REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1881

Published by Authority.

LAHORE:

PRINTED AT THE CENTRAL JAIL PRESS.

1882.

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REVIEW OF HIS HONOR THE LIEUTENANT GOVERNOR OF THE PUNJAB.

No. 2168

FROM

G. W. RIVAZ, ESQUIRE,

Registrar, Chief Court, Punjab,

To

W. M. YOUNG, ESQUIRE,

Secretary to Government, Punjab.

Lahore, the 11th July 1882.

SIR,

I am directed by the Judges of the Chief Court to submit the following Report on the Administration of Civil Justice in the Punjab during the year 1881.

Form of statements.

2. The statements appended to the report are the revised statements approved by your No. 2904, dated 6th September 1880, and their compilation has, though to a less extent, been delayed by the causes noted in paragraph 3 of the Criminal Report recently submitted.

Arrangement of report.

3. The arrangement of the first part of this report has been slightly modified to suit the alterations in the forms of the returns, a separate part has been given to the business of the Chief Court, and a paragraph has been added on the working of the Process-serving Establishment, in accordance with the request contained in your No. 3706, dated 19th October 1881. In other respects the report has been drawn up on the same plan as that adopted in previous years.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTION OF SUITS.

Suits instituted during the year.

4. The total number of original suits instituted in the Civil Courts of the Punjab during 1881 was 254,690. This total shows a falling off of 1,325 cases, or 0·5 per cent., as compared with the institutions of the previous year, but is higher than in any year except 1880.

Fluctuations in the different classes of Courts.

5. From the subjoined statement, which shows the fluctuations in the different classes of Courts of Original Civil Jurisdiction during the past five years, it will be seen that it was in the ordinary District Courts that the figures of the previous year were not quite maintained. In District Small Cause Courts litigation was as nearly as possible stationary, and there was a slight increase of business in Cantonment Small Cause Courts :—

Class of Court.	1877.	1878.	1879.	1880.	1881.
Chief Court ... — ...	14	2	4	2	1
Commissioners' Courts...	...	...	...	...	4
District Courts	215,379	223,075	225,841	237,921	236,069
District Small Cause Courts	12,487	14,515	11,695	12,497	12,438
Cantonment Small Cause Courts	7,465	8,653	6,647	5,595	6,178
Total ...	235,336	246,245	244,187	256,015	254,690

Decrease in original litigation localized.

6. The decrease in institutions in District Courts extends to 18 districts, but is marked only in the following :—

Gurgaon	...	...	... 21 per cent.
Gujrat	...	...	... 12 „
Karnál	...	...	... 10 „

In Gurgaon and Karnál the decrease appears to be a return to the normal condition of litigation after considerable increases in the two preceding years. In Gujrat the decrease is most conspicuous in small debt suits, and is attributed to favorable harvests which enabled debtors to settle their accounts out of Court.

Increase in certain districts noticed.

7. Three districts also show a considerable increase of litigation, *viz.* :—

Kohát	...	...	... 54 per cent.
Pesháwar	...	...	... 25 „
Sirsa	...	...	... 25 „

The increase in Kohát, following as it does on an increase of 41 per cent. in 1880, is very remarkable. To a small extent it is due to the conclusion of the settlement operations and the transfer of all claims connected with land to the ordinary Courts. The most important part of the increase, however, occurs in suits for money, and how far this increase is likely to be permanent, and how far it is merely the result of temporary causes connected with the expansion of commercial transactions during the late war, can hardly yet be determined. Litigation in the Pesháwar District appears to have at last recovered from the check which it received during the continuance of the war operations. The number of suits instituted last year was slightly less than the number instituted in 1876, but considerably higher than in any later year. In Sirsa the increase was principally in suits on account stated, and for the recovery of moveable property, and in suits connected with land.

B.—Classification of Suits.

8. Statement No. 2 in the Appendix classifies the suits which were *instituted* during the year 1881. In former years the corresponding statement has shown the number of suits *disposed of* during the year. An exact comparison cannot, therefore, be made between the statistics of the past year and the years preceding it. Moreover, the difficulty of comparison is increased by another circumstance. Considerable efforts have been made during the past three years to obtain greater accuracy of classification. These efforts are, it is hoped, gradually bringing about good results, but the immediate effect has been to produce startling differences in certain classes of cases, which render comparison with the figures of previous years impossible. Under these circumstances, the Judges will not in the present report do more than point out the most important of the variations in the figures of the last three years, and will not attempt to explain differences which may to a great extent be merely due to altered modes of classification.

	Description of suits.	Disposals. 1879	Disposals. 1880.	Institutions. 1881.
I.—Suits for money or moveables	On registered bond	6,145	5,806	5,023
	On unregistered bond	81,962	90,207	88,259
	Otherwise than on bond	98,546	95,924	96,316
	For breach of contract	3,047	2,393	2,594
	For rent other than of land	3,125	3,467	3 050
	For moveable property or value thereof	14,200	14,485	16 327
	For damages	1,837	1,705	1,398
	Total ...	208,862	213,987	212,967
II.—Rent suits and suits under the Punjab Tenancy Act	For arrears of rent	5,473	6,086	5,931
	To establish or contest rights of occupancy	588	1,018	796
	For enhancement or abatement of rent	423	862	640
	Connected with ejectment	1,169	1,099	994
	Other suits	917	701	537
	Total ...	8,570	9,766	8,898
III.—Other suits	For immoveable property	14,118	17,303	19,629
	For a declaration of right	1,842	1,643	1,944
	For specific performance	275	304	268
	Relating to betrothals, marriage, divorce and dower ...	3,144	4,387	4,971
	For or relating to partition	537	378	258
	Relating to the revenue	3,949	3,850	3,578
	Other suits...	3,805	3,474	2,177
	Total ...	27,670	31,339	32,825
	Grand Total ...	245,102	255 092	254.690

Suits for money or moveables.

9. In suits of the first class, which include all suits of a nature cognizable by a Court of Small Causes, it will be seen that there is a very slight falling-off as compared with the previous year, and an increase of 2 per cent. as compared with the year 1879. The variations under the different heads are not very remarkable. It will be observed, however, that suits on registered bonds have again decreased, while suits for the recovery of moveable property or its value show an increase of 13 per cent.,—a portion of which is probably only due to improved classification, as the variations in certain districts seem too large to be real.

Institutions in this class were distributed as under:—

Sadr Courts of General Jurisdiction ...	14 per cent.
Small Cause Courts	9 „
Tahsíl Courts	10 „
Munsiffs' Courts...	63 „
Honorary Courts	4 „

Rent suits and suits under the Punjab Tenancy Act.

10. The second class shows rent suits and suits under the Punjab Tenancy Act.

Suits for arrears of rent show a slight falling-off of 155 cases as compared with 1880, and an increase of 458 cases as compared with 1879

The decrease of cases under the Punjab Tenancy Act during the past, as compared with the previous year, is more considerable. It was pointed out in the Court's report for 1880 that the number of these cases in District Courts fluctuates with alterations in Settlement operations. Thus, in suits to establish or contest rights of occupancy, which show a falling-off of 222 cases, the fall is only marked in the Rohtak District, where 149 suits were disposed of during 1880, on the conclusion of the Settlement operations, while only 10 suits were instituted during 1881. Suits for enhancement or abatement of rent also show a decrease of 222 cases; but under this head the principal variations do not seem to be connected with Settlement operations. In Hazára, the number of cases fell from 185 to 49, and in Amritsar from 141 to 48. The falling-off in the last named district is rather remarkable, as in the neighbouring districts of Gurdáspur and Siálkot the numbers rose from 15 to 52 and from 8 to 63, respectively. The decrease in suits connected with ejectment is not very marked in any particular district.

Suits belonging to this class were distributed as under —

Sadr Courts	...	...	... 29 per cent.
Tahsíl Courts	...	...	... 46 „
Munsiffs' Courts	...	...	... 22 „
Honorary Courts	...	...	... 3 „

Suits in Class III.

11. The third and last class includes all suits other than rent and tenancy suits and suits of the Small Cause Court class.

Suits for recovery or possession of immoveable property.

12. The most important heading of this class is that which shows suits for recovery or possession of immoveable property. Further particulars regarding these suits will be found in columns 29 to 35 of Statement No. 2 in the Appendix. It will be seen that the total number for the year under report is considerably higher than the numbers for the two previous years. The districts which show the largest proportional increases are Kohát, Jullundur, Hazára, Muzaffargarh, Sirsa and Rohtak, all of which, except Hazára, were, or had been recently, under Settlement. Suits for the recovery or possession of immoveable property were distributed in the following manner.—

Sadr Courts	...	...	... 45 per cent.
Tahsíl Courts	...	...	... 29 „
Munsiffs' Courts	...	...	... 23 „
Honorary Courts	...	...	... 3 „

Declaratory suits.

13. Suits for a declaration of right were also more numerous than in either of the two previous years Of the suits instituted during the year under report, 488 appear in the returns as suits under Chapter VI of the Specific Relief Act, in which a mere declaration of title was asked for; of the remaining 1,456 cases, in which relief was also asked for, 1142 were suits to declare and establish rights to real property, and 314 were suits to declare and establish personal rights.

Suits relating to marriage and cognate subjects.

14. The large increase in suits relating to betrothals, marriage, divorce and dower which appeared in the returns for 1880 was commented on in the Court's Report for that year. A further increase of 13 per cent. is shown in the returns now under review. On the present occasion, the increase is most marked in the Jullundur, Rohtak and Siálkot Districts. The Rawálpindi Division, it may be remembered, showed an enormous increase in suits of this class in 1880, and this increase was maintained during the year under report. The Commissioner considers that the increase is to a great extent real, and is due to people having become better acquainted with their rights in these matters, and especially to women having begun to assert for themselves greater freedom of action in matters matrimonial. However this may be, the number of matrimonial suits in the Rawálpindi Division is certainly most remarkable. In the year under report in suits of this nature the Rawálpindi Division accounts for nearly 28 per cent. of the institutions of the whole Province.

Suits by bankers and shop-keepers against agriculturists.

15. Forty-four per cent. of the total litigation of the Province consisted of suits brought by bankers or shop-keepers against agriculturists. In 1880 the proportion was 42 per cent.

The following table shows the fluctuations in this class of suits during the past five years :—

Year.		Number of suits.	Percentage of total litigation.
1877	..	115,778	49
1878	...	116,717	48
1879	...	111,444	45
1880	...	108,116	42
1881	...	113,591	44

It will be remembered that in the year under report the figures represent institutions and in the other years disposals.

C.—Value of Suits.

Value of suits instituted in 1881.

16. The total value of the suits instituted during the year under report is returned as Rs. 1,64,26,172. Of this sum, Rs 18,65,987 represent the value of suits relating to land assessed or subject to settlement, and Rs. 1,45,60,185 the value of all other descriptions of suits.

Value compared with the value of suits disposed of in 1880.

17. The number and value of land and other suits *instituted* during 1881 is compared below with the number and value of the suits *disposed of* during the previous year, suits incapable of valuation being excluded in both cases.

	1880.		1881.	
	Number	*Value*	*Number*	*Value*
		Rs.		Rs.
Land suits	25,411	20,91,318	24,857	18,65,987
Other „	225,875	1,27,95,072	225,833	1,45,60,185

The average value of land suits has fallen from Rs 82 to Rs. 75, while the average value of other kinds of suits has risen to Rs 65 from Rs 57. The average value of land suits in 1880 was exceptionally high, owing to a single case in the Karnál District which was valued at nearly 4½ lakhs. The value of other suits in the year under report has been swollen by 6 large suits, each exceeding a lakh in value, in the Karnál, Umballa (2), Jullundur, Rawalpindi and Pesháwar Districts.

Further details of value.

18. Further details of the value of the suits instituted in 1881 are given in the following table:—

Details of value.	*Land suits.*		*Other suits.*	
	Number.	Aggregate value.	Number.	Aggregate value.
		Rs.		Rs.
Not exceeding Rs. 10 ..	7,261	40,611	55,167	3,49,791
„ „ 50 ..	9,108	2 22,653	106,986	26 44,755
„ „ 100 ..	4,284	2,97,385	36,373	23 49 276
„ „ 500 ..	3,717	7,55,376	24,906	45,70,838
„ „ 1,000 ..	381	2,82,578	1,617	10,31 762
„ „ 5,000 ..	98	1,88,882	699	14 76,624
„ „ 10,000 ..	5	31,673	44	3,04,002
Exceeding „ 10,000 ..	3	46,829	41	18,33,137

It thus appears that of the land suits 83 per cent. were rated for stamp duty at values not exceeding Rs. 100; these suits were distributed between the Sadr, Tahsíl, Munsiffs' and Honorary Courts in the proportion of 35, 42, 20 and 3 per cent, respectively. Of the suits classed in the table as "other suits," 87 per cent. did not exceed Rs. 100 in value; of these 56 per cent. were instituted in Munsiffs' Courts, 7 per cent. in Small Cause Courts, and 4 per cent. in Honorary Courts.

Suits incapable of valuation.

19. In 4,000 cases the value could not be estimated in money. Of these, 1,394 are classed as land suits and the remaining 2,606 as other suits.

D.—Disposal of Original Suits.

General results shown in Statement No. 4.

20. The general results of the original civil litigation of the year 1881 are shown in Statement No. 4 in the Appendix. The suits shown against the Chief Court, and Courts of Commissioners were all suits under the Indian Divorce Act.

Suits for disposal in District Courts.

21. Including cases pending from 1880, readmitted and remanded cases, and those received by transfer, there were 281,958 cases for disposal by District Courts during the year under report, as compared with 280,273 cases in the previous year. It has been shown above that the institutions of 1881 were fewer by 1,328 cases than the institutions of 1880; but on the other hand, the opening file of 1881 was considerably heavier, and more cases were readmitted during 1881 than in the previous year; so that, altogether, there were 1,685 more cases for disposal in the past than in the previous year.

Suits disposed of and details of disposal.

22. Of the total number of suits for disposal, 264,291, or 93·7 per cent. were disposed of during the year, as against 94·1 per cent., in the preceding year.

The details of disposal were as follows in each year :—

		1880.	1881.
Without trial		19 per cent.	20 per cent.
Without contest		50 "	48 "
After contest ...	for plaintiff	22 "	23 "
	for defendant	9 "	9 "

Percentage of contested cases.

23. It will be seen that the ratio of contested cases has risen from 31 to 32 per cent. The following are the districts in which it was highest :—

Peshâwar ...	44 per cent.	Siálkot ...	36 per cent.
Hazára ...	43 per cent.	Ferozepore ...	
Kángra, Bannu ...	39 per cent.	Ráwalpindi ...	

These districts were similarly conspicuous in 1880.

The percentage of contested cases was lowest last year, as in the previous year, in the following districts :—

Hissar	19 per cent.
Gurgaon, Karnál	22 per cent.

Further particulars of disposal.

24. In the annexed statement further particulars are given regarding the manner in which suits were disposed of in each district during the past two years—

DISTRICT.	Percentage of cases.																Percentage of contested cases decided in favor of plaintiff to the number contested.		Average Duration			
	Dismissed on default.		Withdrawn with leave, Sec. 373, Act X of 1877.		Compromised.		Decreed on confession.		Decided *ex-parte*.		Referred to arbitration.		Contested and decided in favor of plaintiff.		Contested and decided in favor of defendant.				In contested cases.		In uncontested cases.	
	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Delhi ...	8	9	0·6	0·7	26	27	28	20	8	7	1	1	21	24	8	10	71	71	25	28	14	16
Gurgaon ...	19	20	0·2	1	36	30	18	18	7	7	1	1	14	15	5	7	71	69	24	24	17	15
Karnál ...	21	22	1	0·3	28	27	20	18	8	8	2	2	14	15	6	7	70	67	29	33	19	22
Hissar ...	13	13	1	1	32	35	24	20	9	10	1	2	12	10	7	9	64	53	23	22	13	14
Rohtak ...	9	12	1	1	31	23	22	22	5	5	0·6	1	21	20	10	9	68	68	45	37	23	22
Sirsa ...	17	18	2	2	23	19	14	17	8	9	3	2	20	18	16	14	55	55	25	29	16	18
Umballa ...	14	14	1	1	34	35	10	11	8	8	1	1	23	21	9	9	72	70	24	26	14	17
Ludhiána ...	13	14	1	1	30	24	17	20	4	4	0·5	1	22	22	12	13	64	64	27	32	19	18
Simla ...	10	11	3	3	11	11	21	18	24	28	2	2	22	20	7	7	76	72	22	23	19	19
Jullundur ...	15	17	1	0·6	27	21	15	22	10	10	0·9	1	24	21	7	7	78	77	30	36	20	20
Hoshiárpur ...	21	21	0·5	0·1	16	17	23	23	9	8	0·5	1	23	22	7	7	75	75	33	33	22	22
Kángra ...	17	16	0·5	3	13	14	24	19	7	7	1	1	27	29	11	10	75	73	23	25	17	18
Amritsar ...	19	22	1	1	18	17	22	22	9	10	0·8	1	22	19	8	8	73	72	34	36	20	23
Gurdáspur ...	21	19	0·2	0·2	29	21	9	19	9	8	2	2	25	22	6	8	80	73	38	38	26	25
Siálkot ...	19	18	0·4	0·4	17	18	19	17	9	9	2	1	26	28	9	8	75	77	32	27	23	23
Lahore ...	15	15	0·9	0·5	24	18	20	23	11	11	1	1	20	24	9	7	70	77	20	23	14	15
Gujránwála ...	21	22	0·2	0·7	24	20	16	20	10	11	1	1	20	17	8	8	72	68	29	36	17	22
Ferozepore ...	18	17	0·8	2	19	15	19	20	9	8	1	1	22	24	12	12	64	66	29	28	18	18
Rawalpindi ...	18	20	0·8	1	25	20	11	11	10	11	1	1	24	25	11	11	68	69	29	31	21	23
Jhelum ...	20	19	2	7	23	15	13	16	7	7	3	2	22	21	13	12	63	64	30	32	23	21
Gujrát ...	19	19	1	7	25	11	14	23	7	7	2	2	23	22	11	9	68	69	34	29	23	18
Shahpur ...	17	17	0·8	1	24	24	20	20	10	12	2	2	20	17	8	7	70	71	41	41	25	23
Mooltan ...	26	24	2	4	13	13	23	23	7	8	1	1	18	18	10	9	66	66	25	40	16	20
Jhang ...	21	20	0·5	6	33	26	9	8	13	15	0·9	1	14	14	8	9	64	63	49	46	29	29
Montgomery ...	14	13	0·9	1	31	31	8	11	13	14	0·8	1	25	23	8	6	75	78	27	29	18	18
Muzaffargarh ...	17	21	1	1	33	27	21	20	5	6	0·8	2	17	18	5	5	76	77	32	37	18	22
Dera Ismail Khan ...	14	12	4	5	34	30	8	6	10	11	2	2	23	25	7	8	77	75	23	21	16	18
D. G. Khan ...	13	12	1	0·3	30	27	17	18	9	8	1	2	24	26	5	6	83	82	22	22	14	13
Bannu ...	12	15	4	5	21	17	11	10	8	10	6	4	29	26	14	13	67	66	42	50	33	45
Peshawar ...	19	15	2	3	17	13	10	12	8	10	2	3	28	27	16	17	64	62	28	22	17	17
Hazára ...	19	19	2	3	11	13	18	16	5	4	4	2	30	33	14	10	69	77	13	11	7	13
Kohát ...	17	15	3	4	16	14	14	21	12	11	3	3	27	25	11	7	72	79	26	26	25	24
Total ...	17	18	1	2	24	20	17	18	9	9	1·4	1·3	22	22	9	9	71	72	30	29	19	21

25. Eighteen per cent. of the cases disposed of during 1881 were dismissed on default, as compared with 17 per cent. in the previous year. In 21 per cent. of these cases application was made for an order to set aside the dismissal, and of these applications 77 per cent. were successful. In 2,266 cases the application was refused, and in 401 cases fresh suits were brought in consequence.

Dismissals on default.

Mooltan, Karnál, Hoshiárpur and Gujránwála are again remarkable for their high percentages of dismissals for default, and to these districts must be added, on the present occasion, Amritsar, where the percentage rose from 19 to 22, probably, as the Commissioner remarks, in consequence of the extraordinary unhealthiness of the latter part of the year, and Muzaffargarh, where a rise from 17 to 21 in the percentage has not been noticed in the local reports. In Gurdáspur, on the other hand, the percentage fell from 21 to 19. Last year, Delhi was the only district in which the proportion was under 10 per cent.

Hazára ..	.. 35 %
Bannu ..	.. 32 %
Ferozepore..	.. 31 %
Siálkot ..	.. 29 %
Gujrat ..	.. 29 %
Dera Ismail Khan	.. 29 %

Applications for restoration to the file were relatively most numerous in the districts noted in the margin. In most districts such applications were, as usual, readily granted. In the Siálkot District 37 per cent. of the applications were refused; in Gurdaspur 35 per cent.; in Jullundur and Hoshiárpur 30 per cent.

26. One per cent. of the cases disposed of during 1880 were withdrawn under section 373 of the Civil Procedure Code, and 2 per cent. during the year under report. On the other hand, the percentage of cases compromised fell from 24 to 20, while there was an increase of 1 per cent. in the proportion of cases in which defendants confessed judgment.

Cases withdrawn, compromised and confessed.

27. *Ex-parte* decisions account for 9 per cent. of the disposals in both years. In Simla the percentage rose again to 28. Shahpur, Jhang, Bannu and Pesháwar each show an advance of 2 per cent. on the proportion of the previous year. In no other district does the variation between the two years exceed 1 per cent. Applications were made to set aside 10 per cent. of the decrees passed *ex-parte*, and of these applications 70 per cent. were successful. In the previous year the percentage of applications was the same, but only 64 per cent. succeeded.

Ex-parte decisions.

28. References to arbitration numbered 3,964 during the year under report, as compared with 3,827 references in the preceding year. Awards were filed in 3,759 cases, in 3,717 of which judgment was given according to the award, and 205 references were under disposal at the end of the year.

References to arbitration.

The proportion of cases disposed of by arbitrators was, as usual, highest in Bannu, where, however, it has fallen from 6 to 4 per cent., and was 3 per cent. in Pesháwar and Kohát. In no other district did the proportion exceed 2 per cent., being 1 per cent. only in 17 districts.

It was remarked in the Court's report for 1880 that possibly references to the "*Sharíat*" were shown as references to arbitration in the Bannu and Hazára returns and that enquiries would be made on the point. It has been ascertained that references to the "*Sharíát*" do appear as references to arbitration in the Bannu returns, but not in those of the Hazára District.

29. From column 19 of the table it will be seen that in contested cases plaintiffs were most successful during 1881 in Dera Gházi Khan, Kohát and Montgomery, and least successful in Hissar and Sirsa.

Districts in which plaintiffs were most successful.

Applications for review of judgment.

30. During the year under report, 2,507 applications for review of judgment were dealt with by District Courts. Of these, 1,050 were rejected and 1,357 were granted. The final result of the applications which were granted was that in 583 cases the former order was upheld, and in 663 was reversed or modified, and that 211 cases were still pending at the close of the year. In 1880 the number of applications was about the same, but a smaller proportion ultimately succeeded.

Commissions and attachment of property before judgment.

31. Information has been furnished for the first time in the returns now under review regarding commissions issued under Sections 392 and 394 of the Civil Procedure Code, and attachments of property before judgment ordered under Chapter XXXIV of the Code.

Commissions for local investigations under Section 392 of the Code numbered 3,597, of which 1,019 were issued to Revenue Officials. Commissions of this nature were most freely issued in the Jhelum, Umballa and Ludhiána Districts, and in the two districts first named the proportion issued to Revenue Officials is so high as to suggest the doubt whether the rule, that no Revenue Official is to be employed as Commissioner without the sanction of the Deputy Commissioner, was duly observed. Enquiry is being made on the point. In 2,173 cases Commissioners were appointed to examine or adjust accounts under Section 394 of the Code, of whom 145 only were Revenue Officials.

In 1,189 cases orders were passed for the attachment of property before judgment. Such orders were by far the most numerous in the Rawalpindi District, where the Judge of the Cantonment Small Cause Court alone issued 115 writs of attachment. The action of this officer in the matter of attaching property before judgment attracted the attention of the Court during the course of the year, and an examination of a quarter's cases showed that the power had not been judiciously exercised. In the case of other Courts also, where it seemed probable from the entries in the quarterly returns that applications had been too readily granted, the cases were examined and the necessary instructions issued to the officers concerned. In six cases only, as shown in the margin, was compensation awarded for improper attachments.

Lahore	...	1 case.
Ferozepore	...	3 cases.
Jhelum	...	1 case.
Peshâwar	...	1 case.

Decrees bearing interest.

32. Information has also been collected for the first time in the present returns regarding decrees bearing interest. During the year under report 4,293 such decrees were passed,—3,610 by consent and 683 on the application of the plaintiff. Contested awards were most numerous in the Umballa and Ferozepore Districts, Permeshri Dás, Munsiff, being responsible for the large number in the former district, and Munshi Rám Sahai, Extra Assistant Commissioner, and Sant Rám, Munsiff, in the latter. The Deputy Commissioners of Umballa and Ferozepore have been asked to report whether these officers were sufficiently circumspect in allowing interest subsequent to the date of decree, and what was the average rate allowed.

Pending file.

33. The year 1880 closed with a pending file of 16,398 cases, and 17,667 cases were pending at the close of the year under report. In both years the arrears were proportionately heaviest in the Bannu District, though the pending file in that district at the end of 1881 was not quite so large as at the end of the previous year. The disposal of judicial business in the Bannu District has formed the subject of considerable correspondence during the past year, and more than once the Court has had to express its opinion that the judicial staff of the district was not being employed to the best advantage. Lately, however, arrangements have been made, which will, it is hoped, facilitate the despatch of business, and the Judges trust that the returns for the current year will show more satisfactory results than those now under review.

34. Out of the total number of cases which awaited disposal at the end of the year, 673 had been pending for more than three months, and of these no less than 232 cases were pending in the Amritsar District. The circumstances which impeded work in that district during the latter portion of the year have been already noticed.

Cases pending over three months.

35. Five cases had been pending for more than a year at the close of 1881. The oldest of these was instituted on the 8th April 1879 in the Amritsar District The Deputy Commissioner explains that Rs. 68,000 were in suit, and that the accounts of a mercantile firm, with twenty branches in different parts of India, had to be examined for a period of twenty years. The case has since been disposed of. In the Mooltan District one case was pending which had been instituted in 1880, and in the Lahore District there were three such cases. These were all heavy cases, but in none of them has a pendency of more than a year been satisfactorily accounted for.

Cases pending over a year and oldest pending case.

36. The average duration of contested cases has fallen from 30 to 29 days, while that of uncontested cases is 21 days, or two days higher than in the previous year.

Average duration of cases.

In contested cases the average was highest in Bannu (50 days), Jhang (46 days) and Mooltan (40 days).

In uncontested cases the average was as high as 45 days in Bannu, the next highest being an average of 29 days in Jhang.

Average duration in the different classes of Courts.

37. The average duration of the different classes of District Courts is given below—

	Contested.	*Uncontested.*
Deputy Commissioners' Courts ...	91	53
Judicial Assistants' Courts ...	60	38
Asst. and Extra Asst. Commrs' Courts ...	41	28
District Small Cause Courts ...	22	20
Cantonment Small Cause Courts ...	23	18
Tahsíl Courts ...	28	18
Munsiffs' Courts ...	22	16
Honorary Civil Judges' Courts ...	28	20

38. The average number of attendances required for the disposal of a suit in a District Court was 3, as in the three previous years. This number was only exceeded in the Gurdáspur, Jhelum, Jhang and Peshâwar Districts, where an average of 4 days of attendance in Court appears to indicate unnecessary adjournments on the part of some of the Courts of those districts.

Average number of attendances.

39. In an earlier section of this report a comparison has been made between the value of the suits instituted during the year under report and the value of the suits disposed of during the previous year. In the annexed statement the comparison is made between the suits disposed of in each year, and the usual particulars are added regarding the cost of litigation. Transferred and readmitted cases have been excluded, as in former years.

Value and cost of suits disposed of in 1880 and 1881.

Valuation of Suits.	Suits relating to proprietary right in or occupancy of land assessed or subject to settlement.												Other Suits.												
	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.				Average cost of suits.					Percentage of costs to value.	Number of suits.	Aggregate value of suits.	Aggregate cost of suits.	Average value of suits.			Average cost of suits.					Percentage of costs to value.
				Rs.	A.	P.		Rs.	A.	P.							Rs.	A	P.	Rs.	A.	P.			
Not exceeding Rs. 10	7,293	40,933	12 703	5	10	11		1	12	2			31	54,992	3,73.624	70,372	6	12	8	1	4	5			19
Do. ... „ 50	9,108	2,41,738	36,748	26	8	8		4	0	6			15	107,226	27,18,842	3,14,862	25	5	8	2	14	11			12
Do. ... „ 100	4,161	2,93,261	36,169	70	7	8		8	11	1			12	36,116	25,27,683	2,46,521	69	15	9	6	13	2			9
Do. ... „ 500	3,698	7,38,242	78,394	199	10	1		21	3	2			16	25,105	44,43,696	4,48.804	177	0	1	17	14	0			10
Do. ... „ 1,000	388	2,62,727	24,483	677	2	1		63	1	7			9	1,528	11,21,259	96,211	733	12	11	62	15	5			9
Do. ... „ 5,000	100	1,86,720	16,177	1,867	3	2		161	12	3			9	648	12,53,651	1,11,136	1,934	10	4	171	8	1			9
Do. ... „ 10,000	3	19,040	1,472	6,346	10	8		490	10	8			7	40	2,82,794	18,732	7,069	13	7	468	4	9			7
Do. ... „ 1,00,000	3	46,828	2,248	15,542	10	8		782	10	8			5	32	6,56,333	30,766	20,510	6	6	961	7	0			5
Exceeding ... „ 1,00,000	...	...	...	...	...	...		...	...	...			...	5	8,09,795	11,145	1,61,959	0	0	2,229	0	0			1
Total ... 1881	24,664	18,29,489	2,08,394	74	2	11		8	7	2			11	225,692	1,41,87,677	13,48,549	62	13	9	5	15	7			9
Total ... 1880	25,411	20,91,388	1,93,652	82	4	10		7	9	11			9	225,875	1,27,95,072	13,37,152	56	10	4	5	14	8			10
Suits of which the value cannot be fixed ... 1881	1,361	...	20,729	...	...	..		15	3	1			.	2,792	. .	32,246	...	..	..	11	8	1			...
Suits of which the value cannot be fixed ... 1880	1,204	...	18,585	..	. .	.		15	6	11			...	2,600	...	27,942	.	.	..	10	11	11			...
GRAND TOTAL ... 1881	26,025	18,29,489	2,29,123	...	...			8	12	10			.	228,484	1,41,87,677	13,80,795	..	..		6	0	8			...
GRAND TOTAL ... 1880	26,615	20,91,388	2,12,237	...	...	...		7	15	7			.	228,475	1,27,95,072	13,65,094	. .	.	...	5	15	7			...

Increase in cost of litigation.

40. The cost of civil litigation to the parties has been steadily increasing during the past few years, and will, no doubt, continue to increase with the growth of facilities for employing Counsel. Many districts have now a Local Bar, where the employment of Counsel was almost unknown a few years ago, and the result is that the average cost of land suits has increased during the last ten years from Rs. 6-9-3 to Rs. 8-12-10, and the cost of other kinds of suits from Rs. 4-10-5 to Rs. 6-0-8.

Percentage of costs to value.

41. The general percentage of costs to value is always largely affected by what may be termed the extraordinary suits of the year. Thus in 1880 the percentage of costs to value was sensibly diminished by the Karnál case to which reference has been made already. In the year under report a few suits of exceptionally high value have lowered the percentage of costs to value in "other suits" from 10 to 9.

Plaints rejected or returned.

42. During the year under report, 6,910 plaints were rejected or returned,—1,225 after they had been admitted and registered, and 5,685 before registration. The large numbers rejected or returned after registration in the Jullundur (136), Jhelum (102) and Dera Ismail Khan (76) Districts seem to argue that plaints in those districts were not scrutinized with sufficient care on first presentation, and, altogether, the number for the Province seems considerably higher than it should be. The particular attention of supervising officers will be drawn to the point.

F—Agency employed in Districts.

Distribution of business in districts.

43. It has been shown in the preceding section that 264,291 original suits were disposed of by District Courts during the year 1881. The annexed statement shows how these suits were distributed between the various classes of Courts, and compares the distribution with that of the two previous years.—

Number of officers.			Grade of Officers	Original Cases decided. Number.			Original Cases decided. Percentage.			Average number of cases decided by officers of each grade		
1879	1880	1881		1879	1880	1881	1879	1880	1881	1879	1880	1881
32	32	32	Deputy Commissioners ...	159	106	177	0 1	.	0 1	5	3	5
16	13	14	Judicial Assistants — Europeans ..	2,087	1,887	1,867	0 8	0 7	0 7	130	145	133
6	9	8	Judicial Assistants — Natives ...	2,744	3,462	3,146	1 1	1 3	1 2	457	385	393
29	30	28	Assistant Commissioners ..	8,365	8 120	6,283	3 3	3 1	2 4	288	271	224
17	15	11	Extra Asst Comrs. — Europeans	3,023	3,696	3,198	1 1	1 4	1 2	178	246	291
71	68	68	Extra Asst Comrs. — Natives ...	28 491	30 360	33,353	11 2	11 5	12 6	401	446	490
123	122	122	Tahsíldárs	28,439	30 489	30,205	11 2	11 6	11 4	230	250	248
35	31	25	Náib-Tahsíldárs	6,389	5,727	5,786	2 5	2 2	2 2	182	185	231
74	74	74	Munsiffs ...	141,823	149,805	150,459	56 0	56 8	56 9	1,916	2,024	2,033
56	44	43	Honorary Civil Judges ...	12,757	12,200	11,019	5 4	4 6	4 1	228	277	256
4	4	4	Judges of District Small Cause Courts	12,082	12,467	12,587	4 7	4 7	4 8	3,020	3,117	3,147
8	8	9	Judges of Cantonment Small Cause Courts ..	6,728	5,556	6,211	2 6	2 1	2 4	841	694	690
			Total ...	253,087	263,875	264,291	..	.		...	...	...

Disposals by Sadr Courts other than Small Cause Courts.

44. The amount of original business disposed of by Deputy Commissioners, Judicial Assistant and Extra Assistant Commissioners, and Assistant Commissioners does not call for special remark. The average number of cases decided by both European and Native Extra Assistant Commissioners in the year under report was considerably larger than in either of the two previous years.

Disposals by Tahsíldárs.

45. Tahsíldárs disposed of an average of 248 cases each, the prescribed limit being 330 cases per annum Only in the six Tahsíl Courts mentioned below, as compared with 10 Courts in 1880, did the Tahsíldár dispose of more than 400 cases during the year—

Phillour ...	... 409	Rájanpur...	... 544
Murree ...	... 624	Sanghar ...	... 542
Talagang ...	... 507	Isa Khel ...	... 441

The civil work of the Phillour Tahsíl is exceedingly heavy. The Munsiff disposed of 2,738 cases last year, and the Tahsíldár, as shown above, 79 more than the prescribed number. At the same time, there was an extra Munsiff at the Sadr who might have relieved the Tahsíldár of the cases which he took up in excess of the fixed number, and the Deputy Commissioner has been requested to insist on the Tahsíldár adhering strictly to the rule in future. The circumstances of Murree are, as was remarked last year, exceptional. It seems doubtful, however, whether last year the Munsiff, who sits at Murree during the summer months only, was sent there sufficiently early. The Commissioner of Rawalpindi has been addressed on the subject. Revised arrangements have recently been made for the distribution of judicial business in the Jhelum and Bannu Districts, and under these arrangements the Tahsíldárs of Talagang and Isa Khel will be strictly limited to 30 cases a month. The Deputy Commissioner of Dera Gházi Khan has also noted in his report that he will take care that the Tahsíldár of Rájanpur does not take up so many cases in future. Last year, it was represented by the local authorities that the revenue and executive work of the Tahsíldár of Sangarh was not heavy, and that it would tend greatly to the convenience of suitors if he were allowed to take up 50 instead of 30 civil cases a month; and this was sanctioned as an experiment. The returns now under review show that, so far as the administration was concerned, the additional suits taken up by the Tahsíldár would have been more conveniently disposed of by the Sadr Munsiff, and the Deputy Commissioner has been asked to report whether he cannot arrange to keep the Tahsíldár's work within the prescribed limit without causing serious inconvenience to suitors.

Disposals by Munsiffs.

46. The amount of work disposed of by Munsiffs has slightly increased. The following Courts disposed of the largest numbers of cases:—

Rawalpindi ...	... 3,410	Siálkot ...	... 2,801
Shahpur ...	... 2,884	Phillour ...	... 2,738
Jagráon ...	... 2,811	Ludhiána ...	... 2,735
Nakodar ...	2,720		

The jurisdiction of the Munsiff of Rawalpindi has since been curtailed. At Shahpur the Head-quarters Courts and the Tahsíldár might have rendered more assistance than they did. Two Munsiffs sit at the head-quarters of the Siálkot District, and the work was not evenly distributed between them. This was pointed out to the Deputy Commissioner during the course of the year. The pressure of work in the other Courts was unavoidable.

Disposals by Honorary Courts.

47. Honorary Civil Judges disposed of fewer cases last year than in either of the two previous years. The following are the gentlmen who disposed of the largest number of civil cases during the year 1881:—

District.	Name of Judge.	Powers.	Number of cases disposed of.
		Rs.	
Amritsar	Sirdár Ajit Singh	500	1,791
Gurdáspur	Diwán Narinjan Dás	500	1,198
Gujránwála	Raja Harbans Singh	100	839
Ferozepore	Sodhi Indur Singh	300	574
Ditto	Sodhi Mán Singh	10,000	571
Gujránwála	Sirdár Mahtab Singh	50	564
Siálkot	Sirdár Dyal Singh	500	519
Ferozepore	Sodhi Rajindar Singh	100	478
Kángra	Rajá Amar Chand	500	394

Work of Small Cause Courts.

48. The work of District and Cantonment Small Cause Courts will be noticed in Part II of this report.

Nature of cases disposed of by the various grades of Courts.

49. In the foregoing remarks the work of the different classes of Civil Courts has been considered as a whole, without reference to the character of the cases disposed of. Occasion, however, has been taken in earlier sections of this report to point out how suits of different descriptions and values were distributed between the various classes of Courts having jurisdiction to try them, and the Judges will briefly comment here on the information which has been thus collected

First, as regards descriptions of suits, it has been shown that suits of the Small Cause Court class rent and tenancy suits, and suits for the recovery or possession of immoveable property, were instituted in the various grades of Courts as under:—

Grade of Court.	Suits of the Small Cause Court class.	Rent and Tenancy suits.	Suits for immoveable property.
Sadr Courts	23 per cent.	29 per cent.	45 per cent.
Tahsíl "	10 "	46 "	29 "
Munsiffs' "	63 "	22 "	23 "
Honorary "	4 "	3 "	3 "

Secondly, as regards values of suits, it has been shown that, in suits relating to land of a rated value of not more than Rs. 20 per annum, 35 per cent. of the institutions of the year were in the Sadr Courts, 42 per cent. in Tahsíl Courts, 20 per cent. in Munsiffs' Courts, and 3 per cent in Honorary Courts, while in suits of other descriptions not exceeding Rs. 100 in value, Munsiffs, Small Cause Courts and Honorary Courts took up between them 67 per cent. of the number instituted.

Now, the principles which Deputy Commissioners have been directed to bear in mind in fixing the classes of cases to be taken up by their Subordinate Courts are briefly as follows:—

(*a*). Honorary Courts, with specially appointed local jurisdictions, are ordinarily to take up all cases within their competence.

(*b*). Suits relating to property in land rated at more than Rs. 20 of revenue per annum are to be tried exclusively by officers with full civil powers.

(*c*). Minor suits relating to land and suits under the Punjab Tenancy Act are to be taken up, as far as possible, by Tahsíldárs, who from their experience as revenue officers and local knowledge are usually the most competent judges in such matters.

(*d*). Munsiffs, whose primary functions are to dispose of a large number of simple suits rapidly, are to be employed more particularly in the disposal of such suits.

These principles, of course, cannot be strictly applied in all, perhaps not in most, districts. In some districts there are no Munsiffs. In others a variety of local circumstances may prevent the application of the rules in their integrity. Still it may be useful to see how far these rules have been generally acted on during a year's litigation, and a general idea regarding this can be gathered from the figures collated above.

To take up the points in order—

Honorary Courts have probably disposed of the work of their respective local jurisdictions, as contemplated by the rules.

Suits relating to property in land rated at more than Rs. 20 of revenue per annum have certainly not all been taken up by full-powered officers, for we find from Statement No. 3 in the Appendix that out of 4,204 such suits, 610 were instituted in Tahsíl and 509 in Munsiffs' Courts.

Tahsíldárs, too, have probably not been employed as largely as they might have been in the disposal of those suits which from their revenue experience and local knowledge they are specially fitted to try, as it appears that, while they took up 21,192 suits of a nature cognizable by a Court of Small Causes, 4,631 suits relating to land assessed or subject to revenue were taken up by Munsiffs.

The Judges will once more repeat that they are fully aware that the distribution of civil business in the Punjab cannot be strictly regulated by the principles summarized above. The question, however, is whether these principles are followed as far as they can be, and the returns for 1881 raise considerable doubt as to this, and seem to indicate that in some districts the rules for the distribution of business are not sufficiently precise in specifying the classes of cases to be taken up by the various Courts. The Judges, therefore, in inviting general attention to the subject, would ask Commissioners and Deputy Commissioners to carefully review the returns of their respective divisions and districts and satisfy themselves that the principles which have been laid down for the distribution of civil business are observed as far as local circumstances permit.

F.—Original Miscellaneous Cases.

Original miscellaneous cases.

50. Part II of Statement No. 2 gives particulars regarding the miscellaneous business which came before the Courts of Original Civil Jurisdiction during the year.

Miscellaneous cases under the Civil Procedure Code.

51. The first portion of the statement shows miscellaneous cases under the Civil Procedure Code, most descriptions of which have been already noticed in connection with the disposal of original suits, or will be noticed hereafter in the section relating to the execution of decrees. A few of the remaining heads call for a word in passing.

Commissions for the examination of witnesses.

52. The heading showing the number of commissions received under Section 386 of the Code for the examination of witnesses is new. Six hundred and twenty-nine such commissions were received during the year under report, Siálkot, Simla and Amritsar being the districts which show the largest number of receipts.

Applications to sue or appeal *in formâ pauperis.*

53. Applications for permission to sue or appeal as a pauper numbered 1,147 in the past, as compared with 1,166 in the previous year. They were in both years most numerous in the Lahore, Amritsar and Ludhiána Districts.

54. The returns for 1880 showed that in 16 cases action was taken under Section 643 of the Code in cases of suspected perjury, using false evidence, and the like. The heading in the revised return includes proceedings taken against witnesses under Section 174 of the Code. Cases under the two sections aggregated 226 in 1881, of which 101 occurred in the Lahore District alone.

Proceedings under Sections 174 and 643.

55. References from other districts show an increase of 3,144 cases, though the figures of the previous year included commissions for the examination of witnesses which in the present returns are shown separately.

References from other districts.

56. To pass on to miscellaneous cases not connected with the Code of Civil Procedure, the first point calling for notice is an increase of 132 cases in applications for foreclosure or redemption of mortgage under Regulation XVII of 1806. In both years these applications were most numerous in the Rohtak District. Other districts which are conspicuous for a large number of applications in both years are Hissar, Umballa and Gujránwála. Cases of this nature are very rare in the Mooltan and Frontier Divisions.

Miscellaneous cases not under the Civil Procedure Code. Applications under Regulation XVII of 1806.

57. Applications, under Acts XL of 1858 and IX of 1861, for custody of the persons or estates of minors numbered 272 in 1880 and 333 in the year under report. Applications under these Acts were most numerous in the Ferozepore, Amritsar, Pesháwar and Hazára Districts.

Applications under Acts XL of 1858 and IX of 1861.

58. Applications under Act XXVII of 1860 show a decrease of 155 cases as compared with the previous year, and of 344 cases as compared with 1879. Prominent attention has been drawn in the Court's last two reports to the provisions of Section 2 of the Act, and the decrease in the number of cases is probably to a great extent due to a clearer apprehension on the part of the Courts of the intention of that section. In Amritsar the number of applications rose from 8 to 62.

Applications under Act XXVII of 1860.

Uncontested applications for probates and letters of administration.

59. Thirty-nine uncontested applications were made during the year for probates and letters of administration. Ten of these were made to the Chief Court.

Case under Legal Practitioners Act.

60. One case was instituted under Section 14 of the Legal Practitioners Act in the Ludhiána District. The charge in this case was not established.

Cases tried with Assessors under Act X of 1870.

61. Nineteen cases were taken up during the year by Commissioners as Courts of Reference under the Land Acquisition Act, 1870, and were tried with the aid of Assessors. In two of the cases the Court agreed with both Assessors, and in 10 cases differed from one and in 7 cases from both of the Assessors.

Other cases.

62. The other heads in the statement do not call for remark.

Number of cases for disposal and disposed of. Average duration.

63. In all, 63,988 miscellaneous cases came before District Courts during the year 1881. Of these, 61,819 cases, or 96·6 per cent., were disposed of within the year, and 2,169 cases were pending at its close.

The average duration of miscellaneous cases was 15 days in contested and 14 days in uncontested proceedings.

G.—Execution of Decrees.

Business of past two years compared.

64 The annexed statement shows the proceedings taken in each district for the execution of decrees during the past two years.

DISTRICT.	Total number of applications for execution.		Transferred.		Completely executed.		Partially executed.		Wholly infructuous.		Total number disposed of.		Percentage of decrees completely executed to the number disposed of.		Average duration.		Value of money decrees put in execution.		AMOUNT REALIZED. Voluntarily.		AMOUNT REALIZED. After execution of coercive processes.		Percentage realized.	
	1880.	1881.	1880.	1881.	1880	1881.	1880	1881.	1880.	1881.	1880	1881.	1880.	1881.	1880.	1881.	1880.	1881.	1880.	1881.	1880.	1881	1880.	1881.
Delhi ...	6,799	6,738	163	20	1,663	1,920	2,553	2,077	1,959	2,365	6,338	6,382	26	30	33	34	9,96,150	7,11,325	47,183	52 799	1,73,268	1,69,264	18	31
Gurgaon ...	2,047	1,887	64	7	614	582	667	523	565	652	1,910	1,764	32	33	43	36	1,90,662	1,77,274	2,619	5,242	42,491	39,590	24	25
Karnál ...	3,731	3,719	37	9	867	1,059	529	631	1,817	1,636	3,250	3,335	27	31	46	46	7,89,452	8,66,417	23,828	17,547	61,256	83,011	11	27
Hissar ..	1,933	1,909	23	1	606	535	617	569	632	592	1,878	1,697	32	31	25	25	1,63,520	1,40,829	6,223	5,478	44,647	32,145	31	27
Rohtak ...	4,188	4,274	41	24	1,282	1,928	1,850	1,380	586	1,216	3,759	3,948	34	36	39	38	2,08,952	2,23,288	13,845	17,609	53,358	52,244	32	31
Sirsa ..	765	918	19	..	277	315	204	182	209	291	709	788	39	40	26	32	53,552	92,022	7,090	7,461	11,622	19,151	34	29
Umballa ..	8,437	8,500	...	25	2,422	2,409	2,866	2,468	2,253	2,744	7,541	7,646	32	31	42	52	4,51,759	8,99,134	12,580	16,153	1,85,371	1,86,420	44	23
Ludhiána ...	8,349	9,034	...	20	2,351	2,571	3,617	3,598	1,454	1,629	7,422	7,818	32	33	35	33	4,33,089	5,72,015	22,771	29 658	1,03,668	1,25,229	29	27
Simla ...	2,153	2,101	34	8	496	512	513	472	963	1,034	2,006	2,026	25	24	16	34	1,95,804	1,62,098	12,193	14,986	33,491	41,692	23	35
Jullundur ...	15,837	16,025	...	8	4,423	3,915	4,070	3,743	5,308	6,155	13,801	13,821	32	28	58	49	10,58,128	13,55,657	17,432	23,581	2,53,854	2,22,802	26	18
Hoshiárpur ..	14,268	13,732	...	31	4,006	3,831	3,528	3,190	4,830	4,979	12,374	12,031	32	32	60	50	10,23,286	9,75 619	6,857	10 415	2,12,767	2,59,068	21	28
Kángra ...	4,426	4,232	...	...	1,478	1,340	1,460	1,309	1,143	1,160	4,081	3,809	36	35	37	34	2,20,869	1,43,686	11,718	6,905	48,563	38,182	27	31
Amritsar ...	11,795	10,879	332	52	3,653	2,868	3,049	2,180	3,470	4,312	10,504	9,412	35	30	45	49	6,49,913	6,34,677	42,678	29,936	1,85,291	1,76,435	35	32
Gurdáspur ..	10,514	10,527	45	12	3,292	3,158	3,229	2,468	2,374	2,957	8,940	8,596	37	37	66	61	5,53,486	4,94,608	4,908	7,137	1,54,938	1,83,923	29	39
Sialkot ...	12,571	12,987	9	29	3,592	3,631	4,167	3,294	3,525	4,562	11,293	11,516	31	31	49	43	7,23,991	5,81,361	6,222	7,564	1,71,613	1,95,360	25	35
Lahore ...	12,306	12,587	455	139	3,618	3,416	4,088	3,412	2,870	4,064	11,031	11,021	33	31	27	36	3,80 747	5,29,598	47,054	22,948	1,29,607	1,59,451	46	34
Gujránwála ...	7,576	7,245	2	59	2,140	1,740	1,934	1,627	2,778	2,953	6,854	6,379	31	27	42	41	5,11,810	3,43,284	69,180	12,279	1,15,182	94,197	38	31
Ferozepore ...	5,862	6,530	..	100	1,919	2,098	1,811	1,659	1,581	1,871	5,311	5,728	36	36	27	30	3,76,981	2,59,991	20,367	35,243	88,089	69,349	29	40
Rawalpindi ...	5,492	6,655	75	...	1,995	2,208	1,060	1,250	1,715	2,342	4,845	5,800	41	38	32	32	5,18,199	6,26 418	18,758	15 448	1,45,203	2,90,483	32	38
Jhelum ...	2,386	3,127	1	15	828	1 147	413	538	817	1,126	2,059	2,823	40	41	36	35	2,66 260	2,99,710	12,507	9,322	45,031	37 255	22	22
Gujrat ...	6,065	5,914	...	70	1,894	1,753	1,216	1,394	2,137	2 041	5 247	5,258	36	33	50	47	2,57,176	1,39 420	6,525	11,349	81,704	68,412	34	57
Shahpur ...	3,299	3,956	...	...	929	1,075	825	978	1,062	1,276	2,816	3,329	33	32	31	46	1,54,865	1,29,257	22,860	10,388	35,316	42,263	37	41
Mooltan ..	3,022	3,041	2	...	1,218	1,258	455	230	1,106	1,243	2,781	2,731	44	46	37	30	2,87,120	2 49,180	22,943	30,393	67 796	57 260	32	35
Jhang ...	2,812	2,907	...	...	1,093	1,181	427	489	1,061	1,014	2,581	2,684	42	44	41	52	1,89,617	1,89,264	6,225	5,404	38,433	43,290	23	26
Montgomery ...	1 702	1,880	...	...	721	840	359	340	510	607	1,590	1,787	45	47	27	33	1,67,117	1,96,355	2,225	3,527	44,549	46 176	28	25
Muzaffargarh ..	2,138	2,565	9	...	942	999	400	480	935	1,075	2,286	2,554	41	39	38	49	1,07,988	1,37,887	5,665	7,823	39,996	46,048	42	39
Dera Ismail Khan ...	2,475	2,360	...	1	957	862	386	486	937	769	2 280	2,118	42	41	32	28	1,60,172	1,34,754	35,177	10,079	47 624	32,279	52	31
Dera Ghází Khan ...	3,265	3,066	...	...	1 772	1,352	327	436	889	901	2,988	2,719	59	49	24	27	1,63,953	1,07,162	21,562	19,372	44,277	27,460	40	43
Bannu ...	2,053	1,979	...	1	1,151	971	235	216	397	480	1,783	1,668	65	58	41	45	98,470	78,400	14,520	6,964	40,384	32,363	56	50
Peshawar ..	2,429	2,696	...	7	1,234	1,356	368	500	723	657	2,325	2,520	53	54	18	21	1,52,973	1,95,518	7,520	19,318	77,184	81,986	55	52
Hazara ...	1,651	1,694	...	...	589	547	291	340	657	665	1,537	1,552	38	35	28	17	1,10,470	70,824	10,996	5,051	23,115	13,093	31	26
Kohát ...	455	847	...	...	220	503	80	87	60	171	360	761	61	66	26	28	34,361	63,077	797	2,783	10,487	38,963	33	66
TOTAL ...	173,152	176,841	1,311	638	54,242	53,261	47,604	42,593	51,323	59,529	154,480	156,021	35	34	39	38	1,16,51,161	1,12,80,102	5,63,029	4,80,161	27,70,074	29,54,785	29	30

There was, therefore, an increase of 3,689 cases in the number of applications for disposal, and of 1,541 cases in the number actually disposed of, the ratio of disposed of cases to cases for disposal being 89 per cent. in the earlier, and 88 per cent. in the later year.

Results of past two years compared.

65. The results of the applications disposed of in each year are compared below :—

	Percentage. 1880.	1881.
Completely executed	35	34
Partially executed	31	27
Wholly infructuous	33	38
Transferred	1	·4

There was, thus, a falling off of 5 per cent. in the proportion of applications which succeeded wholly or partially. This falling off extends to most districts, and is marked in several of the more important districts, such as Delhi, Umballa, Jullundur, Amritsar, Siálkot, Lahore and Rawalpindi. Indeed, Karnál, Jhang, Montgomery and Kohát are the only districts in which the results were distinctly more favorable in 1881 than in the previous year. A few other districts show slightly higher percentages of completely executed decrees, but the improvement under this head is more than compensated for by a smaller proportion of applications in which partial satisfaction was obtained. No reason can be assigned for this general falling off.

In 50,744 of the decrees which were completely executed satisfaction was obtained through the Court, and in 2,517 cases the decree was adjusted under Section 258 of the Civil Procedure Code. In partially executed decrees, the corresponding numbers were 40,690 decrees satisfied through the Court and 1,903 adjusted under Section 258.

Pending applications.

66. At the end of the year, 20,820 applications remained undisposed of, and of these 3,284, or nearly 16 per cent., had been pending for more than 3 months. The arrears were proportionately heaviest in the Gurdáspur District, where not quite 82 per cent. of the applications on the file were disposed of during the year, and 617 cases had been pending for more than 3 months when the year closed. The pending files were creditably small in the Delhi, Simla and Montgomery Districts.

Average duration.

67. The average duration of execution proceedings was 38 days in the past, as compared with 39 days in the previous year. In both years it was highest in the Gurdáspur District, being 66 days in 1880 and 64 days in the year under report. Other districts in which the average of duration was high last year are Jhang and Umballa (52 days) and Hoshiárpur (50 days).

Value of money decrees in execution, percentage realized, and particulars of realization.

68. The total value of the money decrees in execution during the year was Rs. 1,12,80,102, as against Rs. 1,16,51,161 in the previous year. Of the total amount in execution, 29 per cent. was realized in 1880, and 30 per cent. in 1881. It must be remembered, however, that these ratios do not take into account the value of decrees under execution at the end of the year. Thus, at the end of 1881, decrees to the value of Rs. 18,57,106 were still under execution. If this sum be deducted from the total amount in execution, the percentage of realizations is 36.

Realizations were effected in the following proportions :—

		Percentage. 1880.	1881.
Paid in voluntarily		17	14
Realized	by arrest only	6	7
	after imprisonment ...	1	1
	by attachment only ...	62	64
	by sale	14	14

The proportion of realizations was most favorable in Kohát (66 per cent.), Gujrat (57 per cent.), Pesháwar (52 per cent.) and Bannu (50 per cent), the two districts first named being also those in which the realizations compare most favourably with those of the previous year. The percentages of the Delhi, Karnál, Simla, Hoshiárpur and Ferozepore Districts, which for various causes were unusually low in 1880, all recovered themselves, or materially improved, during 1881. The Gurdáspur and Siálkot percentages also advanced from 29 to 39, and from 25 to 35, respectively. In Dera Ismail Khan the percentage fell from 52 to 31, in Lahore from 46 to 34, in Umballa from 44 to 23, and in Jullundur from 26 to 18. The Dera Ismail Khan percentage in 1880 was abnormally high, owing to a sum of Rs. 24,489 having been paid voluntarily in a single case. Similarly, the Umballa percentage last year was affected by one important case in which nothing was realized. No reason is assigned for the falling off in the other two districts.

Manner in which decrees were executed.

69. In columns 13 to 24 of Statement No. 6, further particulars will be found regarding the manner in which decrees were executed in 1881. The headings of the last five of these columns are new, and the figures in the remaining columns cannot be accurately compared with the corresponding figures of previous years, as the present returns show the number of each kind of process actually executed, whereas the returns of previous years show the numbers issued, and include therefore some processes which were issued but not executed.

Arrest and imprisonment.

70. It will be seen that last year 7,090 persons were arrested in execution of decree, of whom 948 were committed to prison. The average detention was 33 days, or 1 day more than in the previous year. Only 72 persons remained in custody for more than 3 months, against 79 persons in the previous year. The sums for which debtors were imprisoned aggregated Rs. 1,45,214 in 1880 and Rs. 1,22,302 in the year under report.

Attachment and sale of moveable property.

71. Moveable property was attached but subsequently released in 51,098 cases, and 12,369 sales of moveable property took place during 1881.

Treatment of immoveable property attached in execution of decree.

72. In 6,950 cases immoveable property was attached, but subsequently released; sales of immoveable property numbered 2,066, hereditary or jointly acquired interests in land being sold in 60 cases, as compared with 79 in the previous year; in 555 cases temporary alienations were effected under Sections 305 and 326 of the Code.

Other modes of execution.

73. Other modes in which execution was effected were as follows:—In 565 cases possession was given of moveable and in 5,545 cases of immoveable property; the specific performance of 265 decrees was enforced; in 78 cases partition was effected, 81 decrees were otherwise executed.

Comparative working of different grades of Courts.

74. The following table shows the comparative working of the different grades of Courts in execution of decrees:—

Class of Court.	*Number of applications disposed of.*		Value of money decrees in execution.	Amount realized.	Average duration.
	Satisfaction obtained in whole or in part.	Wholly infructuous.			
Sadr Courts	18 244	11,801	54,16,080	15 58,853	46
Small Cause „	7,057	3,590	3 84,373	1,37.145	17
Tahsil „	11,937	6,107	7,07,953	2,79,960	28
Munsiffs' „	55,680	36,584	45 63,188	13,80,623	32
Honorary „	2,936	1,447	2,08,508	78,365	41

It appears that the proportion of applications which succeeded in whole or in part was highest in Small Cause Courts and Honorary Courts, while Tahsíl Courts were the most successful in realizing money decrees.

Working of Book Circular II of 1878.

75. The experiment of making a special officer responsible for the execution of all decrees passed by Head-quarters Courts was continued during the year in several of the more important districts with varying results. Under favorable circumstances, the system seems to work well; but it is not always that a suitable officer is available for the duty. Moreover, the work—as Mr Bullock, a supporter of the system, describes it—is irksome and uninteresting, and this renders it desirable that the officer charged with it should be relieved from time to time, which again is often difficult to arrange.

Insolvency proceedings under Chapter XX of the Civil Procedure Code.

76. Information is given in the present returns for the first time regarding proceedings in Insolvency under Chapter XX of the Code.

Two hundred and twenty-three judgment-debtors applied during the year to be declared insolvent; of these, 64 were at the time under arrest or imprisonment, and against 159 an order of attachment had been made. No decree-holder took advantage of the provisions of the Chapter.

Including cases pending from the previous year, there were 280 applications for disposal. Of these, 96 were not prosecuted; 75 applications were granted, receivers being appointed in 31 cases and discharge ordered in the remaining 39; in 62 cases the application was rejected, the applicant being in 6 cases sentenced to imprisonment under Section 259 of the Code; 52 applications were pending at the close of the year. The work was distributed between Chief Courts of Districts and the Courts specially empowered under Section 360 of the Code as under:—

		For disposal.	*Disposed of.*	*Pending.*
Chief Courts of Districts	...	68	56	12
Specially empowered Courts	...	212	172	40

It has been pointed out above that 39 insolvents were discharged under Section 351 of the Code. It will be seen from column 10 of Statement No. 7 that 25 more were discharged under Section 355, on the certificate of the receiver that the insolvent had placed him in possession of his property. In 23 cases the administration of the insolvent's property was completed and the proceedings finally closed by the receiver.

The remaining columns of the statement show the amount of creditors' claims dealt with and the gross amounts of assets realized and disbursed during the year. Claims to the value of Rs. 1,81,909 were admitted, and Rs. 25,587 were paid away in satisfaction of claims. Rs. 4,055 were in the hands of receivers at the beginning of the year, and Rs 53,300 were realized during the year, Rs. 25,784 were disbursed, and Rs. 31,571 had to be accounted for at the close of the year.

Miscellaneous cases connected with execution proceedings.

77. It only remains to notice briefly certain cases connected with the execution of decrees which appear as miscellaneous cases in Part II of Statement No. 2.

In 512 cases enquiry was made under Section 258 of the Code, on the application of the judgment-debtor, as to payments made to decree-holders out of Court. Of such enquiries 216 were made in Mooltan and 74 in Siálkot.

Claims to attached property and objections to the attachment of property numbered together 11,045, being most numerous in Jullundur, Hoshiárpur, Siálkot and Amritsar. Fifty-nine complaints of obstruction or wrongful dispossession were brought under Sections 328, 332 and 334 of the Code. Karnál heads the list with 18 complaints of this nature.

H.—Witnesses.

Attendance of witnesses.

78. The following table shows the attendance of witnesses in the Civil Courts during the past two years :—

	1880.	1881.	Difference.
Number of witnesses who appeared voluntarily ..	126,281	126,435	+ 154
Number of witnesses for whose appearance a summons was issued ..	220,639	228,665	+ 8,026
Total ..	346,920	355,100	+ 8,180

The total increase does not quite correspond with the greater number of contested cases decided last year.

Payment of witnesses.

79. Of the 228,665 witnesses summoned, 171,600, or 75 per cent., received an average of 9 annas and 11 pies each for expenses. In the previous year, 79 per cent. of the witnesses summoned received an average of 9 annas and 4 pies per head.

Last year, the average was highest in the Ludhiána District, where, as the Commissioner of Umballa remarks, an average of 15 annas and 10 pies seems unnecessarily high, seeing that the district is small and the litigation for the most part petty; in Gurdáspur it was 5 annas and 7 pies only.

Average cost of each process.

80. The average cost of each process issued during the year 1881 is returned as 4 annas and 8 pies. The returns of some districts, however, are still open to doubt. Further enquiry is being made on the point.

PART II.—SMALL CAUSE COURTS.

Work of District Small Cause Courts.

81. Four District Small Cause Courts were open throughout the year 1881, as in the previous year The work which came before these Courts during the past two years is compared in the following table :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Court.	Number of cases on the File.								Disposed of without trial.		Without contest.		With contest.		Total disposed of.		Pending at the end of the year		Percentage of contested cases		Average duration.				Cases in columns 4 & 5 brought by bankers and shopkeepers against agriculturists.	
	Pending from last year.		Instituted.		Re-admitted under Secs 99 & 103 of Act X of 1877 or Sec 21 of Act XI of 1865		Total.														Contested.		Uncontested.			
	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881	1880	1881
Delhi ..	51	164	2,778	2,680	26	86	2,855	2,930	271	358	1,600	1,362	820	922	2,691	2,642	164	288	30	35	15	24	13	22	82	57
Simla ...	...	63	1,534	1,539	56	2	1,590	1,604	168	224	892	881	467	436	1,527	1,541	63	63	31	28	13	16	14	19	..	9
Amritsar ...	136	216	3,477	3,238	114	193	3,727	3,647	606	623	1,863	1,823	1,042	982	3,511	3,428	216	219	30	29	23	30	29	24	349	235
Lahore ..	219	301	4,708	4,981	112	172	5,039	5,454	623	616	2,931	2,541	1,184	1,825	4,738	4,976	301	478	25	37	15	19	14	15	436	467
Total ...	406	744	12,497	12,438	308	453	13,211	13,635	1,668	1,815	7,286	6,607	3,513	4,165	12,467	12,587	744	1,048	28	33	16	22	17	20	867	768

The business of the Delhi, Simla and Lahore Courts, it will be observed, slightly increased, while that of the Amritsar Court shows a small falling off. There has been a decrease of 15 per cent. in the business of the Amritsar Court since 1878.

Disposals and details of disposal.

82. Of the total number of cases for disposal, 92 per cent. were disposed of during the year, as compared with 94 per cent. in the previous year. The ratio is most favorable in the Simla Court, where 96 per cent. of the cases on the file were disposed of during the year, and least favorable in the Delhi Court, which only disposed of 90 per cent. of its business. The proportion of cases disposed of in the Lahore Court is also not quite so favorable as in the previous year. The pending file in this Court increased principally in the last quarter, in consequence of the ill health of the Judge. The Lahore Court, too, is the only Court which shows cases awaiting disposal under Section 99 A of the Code as pending cases, and these cases, of course, tend to swell its nominal arrears.

The manner in which the suits were disposed of in each year is shown below—

	1880	1881
Without trial	13 per cent.	14 per cent.
Without contest	59 „	53 „
After contest	28 „	33 „

It will be seen that the general percentage of contested cases has risen from 28 to 33. The increase in the percentage of the Lahore Court is remarkable. The Delhi Court also shows a rise of 5 per cent.

Average duration.

83. The average duration has increased considerably both in contested and uncontested cases. The average of the Amritsar Court was, no doubt, specially affected by the causes which raised the general average of the district. It was, however, high before the epidemic commenced. The present Judge has been recently urged to use his best endeavours to reduce the duration of cases in his Court, which during late years has been unsatisfactorily high. The average of the Delhi Court has increased from 15 to 24 days in contested and from 13 to 22 days in uncontested cases. The Judge has submitted a detailed explanation on the subject, which has been dealt with by the Court in a letter to the Commissioner of Delhi. In this letter the Court has expressed its opinion that sufficient cause has not been made out for the rise in the average of duration or for the arrears which accumulated during the year.

Suits by bankers and shop-keepers against agriculturists.

84. Nine per cent. of the suits disposed of by District Small Cause Courts in 1880 were suits by bankers and shop-keepers against agriculturists. Taking institutions in place of disposals, the percentage was 6 per cent. in the year under report. In the Amritsar Court, the percentage fell from 10 to 7·2.

Witnesses.

85. During the year under report, 15,644 witnesses attended, or were summoned to attend, District Small Cause Courts, as compared with 13,731 witnesses in the previous year. The increase was in the number of witnesses who were summoned. Voluntary witnesses were fewer by 207 than in 1880.

Applications for retrial.

86. District Small Cause Courts had to deal with 388 applications for retrial in 1881, as compared with 321 applications in the previous year. The results of the 379 applications which were disposed of within the year are compared with the results of the applications of the previous year below—

		1880	1881
Rejected		78 per cent.	64 per cent.
Admitted	Former judgment upheld ...	11 „	25 „
	Former judgment reversed or modified	11 „	11 „

Thus, while applications were much more freely admitted last year, the proportion which ultimately succeeded was exactly the same in both years.

References to the Chief Court

87. Three cases were referred to the Chief Court by the Lahore Court of its own motion, and one by the Simla Court at the instance of the plaintiff

Trials by two Judges.

88. Seventy-five cases were heard before two Judges under the rules framed by the Local Government in 1869. In 64 cases the former order was upheld; in 5 cases the former order was reversed and in 6 cases modified.

Execution of decrees.

89. The comparative working of the four Courts in the execution of decrees is exhibited in the following table:—

1	2	3	4	5	6	7	8	9	10	11	12	13
COURT.	Total number of applications for execution	Transferred.	Completely executed	Partially executed.	Wholly infructuous.	Total number disposed of.	Percentage of decrees completely executed to the number disposed of	Average duration.	Value of money decrees put in execution	AMOUNT REALIZED		Percentage realized.
										Voluntarily.	After execution of coercive process	
Delhi	1,820	1	522	940	327	1,790	29	12	71,742	22,380	10,591	46
Simla	997	..	203	177	582	962	21	10	42,945	5,545	9,339	35
Amritsar	1,458	...	400	459	566	1,425	28	12	62,388	10,754	11,703	36
Lahore	4,011	113	1,070	1,498	957	3,638	29	10	96,746	6,123	21,170	28
Total ...	8,286	114	2,195	3,074	2,432	7,815	28	11	2,73,821	44,802	52,803	36

The Delhi Court was the most successful in this department, the very large amount paid voluntarily being specially noticeable. The average duration of execution proceedings was creditably low in all the Courts

Cantonment Small Cause Courts.

90. During the year under report Small Cause Courts were established in the Hill Cantonments of Kasauli, Dagshai, Sabáthu and Solon, the Assistant Commissioner at Kasauli being appointed the Judge in each case. For statistical purposes these Courts have been treated as a single Court. The work of Cantonment Small Cause Courts is shown in detail in the annexed table, to which the totals of the previous year have been added for purposes of comparison.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
COURT.	Number of cases on the file.											Average duration.		
	Pending from last year	Instituted.	Re-admitted under Secs 99 and 103 of Act X of 1877.	Received by transfer	Total.	Disposed of without trial.	Without contest.	With contest.	Grand total disposed of.	Pending at the end of the year.	Percentage of contested cases.	Contested.	Uncontested.	General average duration.
Umballa ...	7	1,037	15	..	1,059	206	558	255	1,019	40	25	17	16	16
Simla Hills ...	...	360	11	...	371	75	198	70	343	28	20	26	15	17
Jullundur ...	10	312	12	..	334	44	215	70	329	5	21	16	15	15
Siálkot ...	43	397	...	...	440	64	234	110	408	32	27	35	53	48
Mean Meer ...	12	694	21	...	727	111	409	195	715	12	27	13	10	11
Ferozepore ...	16	701	6	..	723	130	458	82	670	53	12	27	17	18
Rawalpindi ...	70	1,420	11	...	1,501	441	668	344	1,453	48	24	20	18	18
Mooltan ...	36	614	8	2	660	71	365	213	649	11	32	31	3	12
Peshâwar ...	16	643	19	...	678	111	343	171	625	53	27	18	14	15
Total 1881	210	6 178	103	2	6 493	1,253	3,448	1,510	6,211	282	24	23	18	19
Total 1880	124	5,595	47	...	5,766	998	3,127	1,431	5,556	210	26	15	11	12

The only point in this table which calls for special remark is the increase in the average duration of both contested and uncontested cases. The very high averages of the Siálkot Court are due to special circumstances which are known to the Government. The duration of contested cases in the Mooltan and Ferozepore Courts seems unnecessarily high.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Number of appeals compared with appealable decisions.

91. The following tabular statement compares in detail the number of appeals instituted in the District and Divisional Appellate Courts of the Punjab during the year 1881 with the number of appealable decisions passed during the year.

District.	District Courts.					Divisional Courts.					Grand Total.	Percentage of first appeals to decisions appealable.
	Number of original cases appealable.	Appeals				Number of original cases appealable.	Number of appeals in which District Courts modified or reversed the order of the Lower Court.	Appeals				
		To Assistant Commissioners.	To Judicial Assistants.	To Deputy Commissioners.	Total to District Courts.			From Court of first instance.	From Subordinate Appellate Courts	Total to Divisional Courts.		
Delhi ...	1,659	...	512	1	513	143	114	61	51	112	625	32
Gurgaon ...	499	...	...	85	85	159	22	54	11	65	150	21
Karnál ...	619	...	9	184	193	374	54	119	17	136	329	31
Hissar ...	301	...	...	88	88	288	25	75	15	90	178	28
Rohtak ...	742	...	91	104	195	567	68	172	24	196	391	28
Sirsa ...	304	...	...	98	98	308	32	88	12	100	198	30
Umballa ...	2,761	10	545	25	580	425	139	157	77	234	814	23
Ludhiána ...	2,751	...	597	4	601	741	140	356	41	397	998	28
Simla ...	135	...	7	1	8	114	2	13	...	13	21	9
Jullundur ...	3,385	...	590	10	600	1,307	174	301	72	373	973	19
Hoshiárpur ...	4,953	...	1,155	6	1,161	679	242	219	58	277	1,438	24
Kángra ...	2,727	24	385	50	459	123	90	15	32	47	506	17
Amritsar ...	2,885	...	566	...	566	518	121	214	69	283	849	23
Gurdáspur ...	3,598	...	260	130	390	721	82	187	20	207	597	13
Siálkot ...	5,623	...	569	171	740	674	202	175	77	252	992	15
Lahore ...	3,025	...	392	...	392	375	117	109	35	144	536	15
Gujránwála ...	2,206	...	578	2	580	288	221	91	40	131	711	27
Ferozepore ...	2,678	...	675	64	739	724	148	151	55	206	945	26
Rawalpindi ...	3,978	...	750	52	802	521	192	150	86	236	1,038	21
Jhelum ...	2,048	...	617	13	630	115	133	34	54	88	718	30
Gujrat ...	2,465	...	569	78	647	114	119	78	63	141	788	28
Shahpur ...	1,456	...	466	46	512	95	161	51	36	87	599	36
Mooltan ...	1,111	...	171	1	172	316	45	99	13	112	284	19
Jhang ...	1,075	...	...	241	241	240	59	91	24	115	356	25
Montgomery ...	919	...	...	124	124	134	29	44	10	54	178	16
Muzaffargarh ...	1,113	...	...	112	112	266	26	35	8	43	155	11
Dera Ismail Khan ...	1,849	...	205	...	205	86	34	41	12	53	258	13
Dera Ghází Khan ...	2,018	..	124	63	187	122	38	47	19	66	253	11
Bannu ...	1,535	44	250	...	294	383	121	66	41	107	401	18
Peshávar ...	2,100	...	429	...	429	527	118	131	62	193	622	21
Hazára ...	1,278	...	...	235	235	277	15	37	14	51	286	17
Kohát ...	453	...	..	69	69	265	21	28	4	32	101	13
Total ... 1881...	64,249	78	10,512	2,057	12,647	11,989	3,104	3,489	1,152	4,641	17,288	21
Total ... 1880...	63,040	104	9,845	2,046	11,995	10,951	2,669	3,321	1,081	4,402	16,397	21

It will be seen that the general ratio of first appeals to original appealable decisions was exactly the same in both years. In particular districts, the ratios for 1881 vary from 9 per cent. in Simla to 36 per cent. in Shahpur. The ratio of further appeals to decisions from which such an appeal lay to the Divisional Court was 41 per cent. in 1880, and 37 per cent. in the year under report.

A.—District Courts.

Distribution of appeals in District Courts.

92. The total number of appeals instituted in District Courts during 1881 was 12,647, as compared with 11,995 in the previous year. The distribution in each year was as under—

	1880	1881
Deputy Commissioners	17 per cent.	16 per cent.
Judicial Assistants	82 "	83·4 "
Specially empowered Assistant and Extra Assistant Commissioners ...	1 "	·6 "

As regards particular districts, the distribution of civil appellate business was affected by the transfer of a Judicial Assistant from Karnál to Bannu at the commencement of the year,

and by the fact that the Pind Dádan Khan sub-division of the Jhelum District was held throughout the year by an officer who was not invested with appellate powers. A comparison of the returns of the two years also shows that the Deputy Commissioners of Delhi, Ludhiána and Jullundur, who were specially noticed in the Court's last report as having rendered considerable assistance to their Judicial Assistants in the disposal of civil appeals, did not continue such assistance during the year under report, while the Deputy Commissioners of Kángra, Gurdáspur, Ferozepore and Dera Ghází Khan, who in the previous year took up little or no civil appellate work, gave substantial assistance last year. The Deputy Commissioners of Rawalpindi and Shahpur also took up more civil appeals last year than in the previous year. The Deputy Commissioners of Siálkot and Gujrat took up a considerable number of appeals in both years.

Appeals for disposal and disposed of.

93. In 1880 there were, in all, 13,143 appeals for disposal by District Courts, of which 90 per cent. were disposed of within the year. Last year there were 14,383 cases for disposal, and of these 91 per cent. were disposed of during the year. Thus, disposals more than kept pace with the larger amount of business for disposal, the result being that the year closed with a pending file of 1,310 cases, having opened with 1,333 pending cases.

Results of appeals in 1880 and 1881.

94. The results of the appeals disposed of in each year are noted below :—

	Percentage.	
	1880.	1881.
Summarily rejected under Section 551, Civil Procedure Code	20·5	15·8
Struck off for default or under Section 557 C. P. Code, or otherwise not prosecuted	5·3	5·8
Order of lower Court confirmed *ex-parte*	5·3	2·2
Order of lower Court confirmed after contest	33·2	39·0
Order of lower Court modified	7·8	7·0
Order of lower Court reversed	15·8	17·4
Remanded under Section 562, C. P. Code	12·1	12·8

The total percentage of unsuccessful appeals is about the same in both years. It will be seen, however, that in the year under report the proportion of cases disposed of under Section 551 of the Code retrograded from 20·5 per cent. to 15·8 per cent. This is mainly due to a change of procedure in three districts. Rohtak, Ferozepore and Rawalpindi each showed a considerable number of disposals under Section 551 in 1880, and show very few disposals under this section in 1881. Gurgaon, Jhelum, Mooltan and Muzaffargarh were in both years conspicuous for making little or no use of Section 551.

The percentage of appeals confirmed *ex-parte*, after issue of notice to the respondent, was 10·2 in 1879, 5·3 in 1880, and 2·2 only in 1881.

The proportion of reversals was as high as 27 per cent. in the Gujránwála District, and exceeded 20 per cent. in the Rohtak, Sirsa, Siálkot and Lahore Districts. It was lowest in Hazára (7 per cent.) and Dera Ismail Khan (9 per cent.).

Remands under Section 562 of the Code were most frequent in the Ferozepore and Hazára Districts, in each of which the proportion was 19 per cent.

Appeals pending over 3 months.

95. Of the 1,310 appeals which remained undisposed of at the end of the year, 135 only had been pending for more than 3 months. Of these last, 40 were pending in the Court of the Judicial Assistant of Ferozepore, who had also the heaviest pending file (223 cases).

Oldest pending appeal.

96. The appeal which had been longest pending in a District Court at the close of the year was instituted, on the 12th July 1880, in the Court of the Deputy Commissioner of Bannu. Mr. Udny explains that the appeal relates to the common land of a whole tribe of Wazíris on the extreme border, and that he had found it difficult to obtain the presence of all the parties interested. From

the returns last received from the Bannu District it appears that the appeal was transferred to the Judicial Assistant in February last, and it was hoped that it would be disposed of last month.

Average duration.

97. The average duration of appeals in District Courts has increased from 31 to 38 days. In Bannu, where appeals lasted on an average 170 days, it is explained that the delays occurred before the appointment of a Judicial Assistant at the beginning of the year and also during a subsequent period of five weeks when the district was left temporarily without a Judicial Assistant. The other districts in which the duration of appeals was exceptionally high were Jhelum (65 days), Rawalpindi (53 days) and Lahore (50 days),—in all of which frequent changes of Judicial Assistants and occasional intervals when there was no Judicial Assistant are pleaded as causes,— and Gurdaspur, where an average of 58 days is noted but not commented on.

Other particulars of disposal.

98. To pass on to other particulars of disposal given in the district returns, issues were referred to the Lower Court under Section 566 of the Code in 520 cases in the past, as compared with 503 cases in the previous year. Additional evidence was called for, under Section 569, in 288 cases in 1880 and in 471 cases in the year under report, the power being in both years freely exercised by the Judicial Assistants of Ludhiána, Hoshiárpur and Gujránwála, and last year by the Judicial Assistant of Bannu also. Twenty-one objections were filed last year by respondents under Section 561 of the Code, as against 30 in the preceding year. Of the objections filed in the earlier year, 26 were allowed, and 8 were allowed last year.

Value and cost of appeals in District Courts.

99. The value and relative cost of the appeals disposed of by District Courts in 1881 are shown in the following table, to which the totals of the previous year have been added for facility of comparison.

Scale of valuation.	Appeals in suits other than for land.									Appeals in land suits.							
	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.		Average cost of appeals.		Percentage of costs to value.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.		Average cost of appeals.		Percentage of costs to value.
Not exceeding Rs. 10.	1,286	7,971	2,649	6	3	2	2	33	887	4,865	2,444	5	7 11	2	12	150
Not exceeding Rs. 50.	4,067	117,835	17,901	28	15	7	4	15	1,395	40,373	6,415	29	2 2	4	9	715
Not exceeding Rs. 100.	1,962	140,546	18,080	71	10	9	2	13	617	45,448	5,752	73	10 6	9	5	213
Not exceeding Rs. 500.	1,525	316,956	32,489	207	13	21	4	10	361	68,558	7,406	189	15 0	20	8	311
Appeals of which the value cannot be fixed.	254	...	3,028	...	...	11	15	...	355	...	3,530	...	...	9	15	1...
Total... 1881	9,094	583,308	74,147	65	15	9	8	12	3,615	1,59,244	25,547	48	13 7	7	1	114
Total... 1880	8,108	461,392	59,934	58	5	7	6	12	3,450	1,37,400	21,663	43	7 11	6	4	514

It will be seen that the average value of both classes of appeals was higher in 1881 than in the previous year, and that the ratio of costs to value kept pace exactly with the increase of value in both cases.

Miscellaneous appeals.

100. The foregoing paragraphs deal with appeals from decrees. In addition to these, 679 miscellaneous appeals came before District Courts during the year. Of these, 399 were appeals from orders preferred under Section 588 of the Code and 280 were appeals from other miscellaneous orders.

Of the number for disposal, 628, or 90 per cent., were disposed of within the year, with results as under:—

Summarily rejected	21	per cent.
Struck off for default or otherwise not prosecuted	5	„
Order of lower Court confirmed	34	„
Order of lower Court modified	1	„
Order of lower Court reversed	21	„
Case remanded under Section 562, Civil Procedure Code	18	„

Miscellaneous appeals lasted on an average 27 days.

B.—Divisional Courts.

Institutions in 1880 and 1881.

101. The following statement compares the appeals instituted in Divisional Courts during the past two years and repeats the information given in paragraph 90 regarding the number of decisions, original and appellate, from which an appeal lay to the Divisional Court:—

Division.	1880.					1881.				
	Number of original cases appealable.	Number of appeals in which District Courts modified or reversed the order of the lower Court	Appeals			Number of original cases appealable.	Number of appeals in which District Courts modified or reversed the order of the lower Court.	Appeals		
			From Courts of first instance.	From Subordinate Appellate Courts.	Total.			From Courts of first instance.	From Subordinate Appellate Courts	Total.
Delhi ...	351	166	176	64	240	519	190	234	79	313
Hissar ...	882	86	286	35	321	1,169	125	335	51	386
Umballa ..	1,293	171	374	137	511	1,280	281	526	118	644
Jullundur ...	1,956	472	532	156	688	2,109	506	535	162	697
Amritsar ...	1,937	386	488	139	627	1,913	405	576	166	742
Lahore ...	1,089	357	478	153	631	1,387	436	351	130	481
Rawalpindi ...	935	623	396	259	655	845	605	313	239	552
Mooltan ...	817	153	284	66	350	956	159	269	55	324
Deraját ...	812	112	140	38	178	591	193	154	72	226
Peshâwar ...	879	143	167	34	201	1,069	154	196	80	276
Total ...	10,951	2,669	3,321	1,081	4.402	11,832	3,104	3,489	1,152	4,641

It will be seen that there was a large increase in the number of institutions in the Umballa and Amritsar Divisions, less considerable increases in the Delhi, Hissar, Jullundur, Deraját and Pesháwar Divisions, a considerable falling of in the business of the Lahore and Rawalpindi Divisions, and a slight decrease in Mooltan. The net result was an increase of rather more than 5 per cent. in the institutions in Divisional Courts throughout the Province, the increase being proportionally divided between first and further appeals.

Business before Divisional Courts

102. The following table shows how far the work for disposal was disposed of within the year, and with what results to the appellants :—

Division.	Number of appeals for disposal		Number of appeals disposed of		Number of appeals pending.		Average duration.		Percentage of appeals.				
	By Commissioner.	By Additional Commissioner.	By Commissioner.	By Additional Commissioner.	Before Commissioner.	Before Additional Commissioner.	Commissioner's Court.	Additional Commissioner's Court.	Transferred, struck off for default, or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded under Section 562, C. P. C.
Delhi ...	392	...	326	...	66	...	71	...	3	59	11	23	4
Hissar ...	432	...	364	...	68	...	53	...	...	66	10	19	5
Umballa ...	275	493	252	385	23	108	34	82	2	74	2	19	3
Jullundur ...	405	475	365	327	40	148	82	98	6	55	3	23	13
Amritsar ...	490	406	433	269	57	137	34	103	6	59	4	18	13
Lahore ...	367	411	335	341	32	70	128	95	4	65	10	17	4
Rawalpindi ...	445	286	368	218	77	68	55	73	2	58	6	27	7
Mooltan ...	412	...	356	...	56	..	73	...	6	53	12	15	14
Deraját ...	255	...	179	...	76	...	54	...	3	70	5	15	7
Pesháwar ...	...	304	...	262	...	42	...	38	4	63	5	20	8
Total 1881	3,473	2,375	2,978	1,802	495	573	65	81	4	62	6	20	8
Total 1880	3,083	2,054	2,442	1,610	641	444	58	56	3	64	6	20	7

Distribution of business.

103. The first point which is noticeable is that the relief given to Commissioners by the two Additional Commissioners was more evenly distributed in 1881 than in any previous year. The arrangements in force throughout the year were those sanctioned in the letter noted in the margin. The scheme then sanctioned was that one Additional Commissioner should sit at Jullundur and assist the Commissioners of Umballa, Jullundur and Amritsar, while the second should hold his Court at Lahore and give assistance to the Commissioners of Lahore and Rawalpindi, the latter of

Secretary to Government No 1886, dated 25th May 1880.

whom had previously received no assistance whatever. This scheme, of course, has not produced a perfect equality of work. Especially, as between the two Additional Commissioners, the work of the Jullundur Court has no doubt been the heavier, though in this connection it should be noted that the Additional Commissioner of the Lahore and Rawalpindi Divisions disposed of 31 sessions cases, 16 references under Section 36 of the Criminal Procedure Code, and 341 criminal appeals (chiefly appertaining to the Rawalpindi Division) last year, as against 7 sessions cases, 14 references and 50 criminal appeals disposed of by the Additional Commissioner at Jullundur. Taken as a whole, however, the scheme has worked fairly well, and until such time as final orders are passed on the project for reorganizing the judicial system in the Punjab which is now engaging the attention of the Government, it will probably be better to remedy the defects in the present arrangements by occasional transfers of cases from one Court to another, rather than to attempt any fresh distribution, which, at the best, can only be partially successful so long as the divisional staff remains as weak as it now is.

Increase of business during the last three years.

104. The next point which deserves attention is that the civil appellate work of Divisional Courts has increased 39 per cent. during the past three years, as will be seen from the following figures :—

Year.		*For disposal.*	*Disposed of.*	*Pending.*
1879	...	4,207	3,541	666
1880	...	5,137	4,052	1,085
1881	...	5,848	4,780	1,068

Notwithstanding an increase of 728 cases in the number requiring disposal, the incomings of the year 1881 were, it will be observed, more than kept pace with, and the pending file at the close of the year was lighter than the opening balance.

Arrears in Additional Court at Jullundur.

105. The only Court which was heavily in arrears at the close of the year was the Additional Commissioner's Court at Jullundur, which, as already pointed out, had too heavy a strain laid on it by the arrangements introduced in 1880. During the current year some relief has been given by the transfer of a considerable number of Amritsar appeals to the Additional Commissioner's Court at Lahore, and the desirability of asking the Commissioner of Umballa to give some assistance with the Ludhiána appeals is now under the consideration of the Judges.

Appeals pending over 3 months ; oldest appeal.

106. Two hundred and seventy-two appeals had been pending in Divisional Courts for more than three months at the end of 1881. The oldest of these was instituted on the 12th February 1881 in the Court of the Commissioner of Lahore, and was delayed, it is explained, by an important paper being mislaid in the Ferozepore District Office when the case was sent there on remand. The case has since been decided.

Average duration.

107. The average duration of appeals increased from 58 to 65 days in Commissioners' Courts and from 56 to 81 days in the Courts of the Additional Commissioners. It was highest (138 days) in the Court of the Commissioner of Lahore, which had, it may be remembered, a large number of old appeals on its file at the end of 1880, and was lowest (38 days) in the Court of the Civil Judge of Pesháwar.

Details of disposal.

108. The details of disposal shown in the remaining columns of the table do not call for special remark. Of the appeals disposed of during the year, 367 were first remanded for the trial of issues framed by the Appellate Court under Section 566 of the Code, and in 30 cases further evidence was called for by the Appellate Court. In 17 cases objections were filed by respondents under Section 561 of the Code, and of these objections 5 were allowed.

Value and cost of appeals in Divisional Courts.

109. The annexed table gives particulars regarding the value and cost of appeals in Divisional Courts during 1881, and compares the general results under these heads with those of the previous year.

Scale of valuation.	Appeals in suits other than for land.						Appeals in land suits.					
	Number of appeals	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value	Number of appeals	Aggregate value of appeals	Aggregate cost of appeals.	Average value of appeals.	Average cost of appeals.	Percentage of costs to value
Not exceeding Rs 10	100	687	414	6 13 11	4 2 3	60	225	1,264	948	5 9 11	4 3 5	75
" " " 50	536	18,058	3,375	30 14 6	6 4 9	18	541	15,516	3,524	28 10 11	6 8 2	23
" " " 100	412	31,075	4,451	75 6 10	10 12 10	14	416	27,586	3 948	66 5 0	9 7 10	14
" " " 500	747	187,960	18,025	251 11 3	24 2 1	9	514	122,232	12,071	237 12 11	23 7 9	10
" " " 1,000	199	137,802	13,120	687 7 2	65 14 11	9	86	62,492	5,382	725 10 5	62 9 3	9
" " " 5 000	97	198,224	15,390	2,043 8 9	158 10 6	8	42	68,683	5,672	1,635 4 11	135 0 9	8
" " " 10,000	11	83,036	5,232	7,549 0 0	475 10 2	6	4	25,450	1,597	6,362 8 0	399 4 0	6
" " " 1,00,000	8	191,202	6,716	23,900 4 0	839 8 0	3	4	74,595	3,470	18 648 12 0	867 8 0	5
Exceeding " 1,00,000	2	6,55,000	9,886	3,27,500 0 0	4,943 0 0	2	.	...	...	.	... .. .	...
Appeals of which the value cannot be fixed ..	393	...	5,409	... . .	13 12 3	...	371	..	5,102	...	13 12 7	..
Total ... 1881	2,505	15,03,044	82,018	711 10 8	32 11 10	5	2,203	3,97,818	41,714	217 2 4	18 14 11	9
Total ... 1880	2,357	7,22,751	68,775	364 10 6	29 2 10	8 6	1,693	1,96,974	27,164	137 2 8	16 0 8	11 8

In appeals in suits other than for land the average value has been almost doubled by two cases of which the aggregate value exceeded 6½ lakhs and by a larger number of appeals ranging in value between Rs. 10,000 and Rs 1,00,000. The average cost of such appeals was Rs 3-9-0 higher than in the previous year The average value and cost of appeals relating to land corresponded more nearly to the figures of 1879 than to those of 1880.

In the Court's last report it was noted that there had been a remarkable increase in the number of appeals in suits relating to land assessed or subject to settlement. The present table and the table at page 28 shows that the number of appeals was even larger last year, though fewer original suits of this description were disposed of (*vide* table at page 11) than in 1880.

110. Besides appeals from decrees, 384 miscellaneous appeals engaged the attention of Divisional Courts during the year. Of these, 254 were appeals from orders preferred under Section 588 of the Code, and 130 were appeals from other miscellaneous orders. Of the number for disposal, 340 were disposed of, with an average duration of 47 days as under:—

Miscellaneous appeals.

Summarily rejected	26	per cent.
Struck off for default or otherwise not prosecuted	6	„
Order of lower Court confirmed	41	„
Order of lower Court modified	1	„
Order of lower Court reversed	20	„
Case remanded under Section 562, C. P. C. ...	6	„

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

111. During the first 9½ months of the year, the Court consisted of three Judges. A fourth Judge was added temporarily from the 16th October, and the Court remained thus constituted during the rest of the year.

Constitution of the Court.

112. In the subjoined comparative statement, appeals from decrees and appeals from orders, which are shown separately in Parts I and II of Statement No. 5 in the Appendix, have been grouped together, in accordance with the practice of former years.

Civil appeals.

1	2	3	4	5	6	7	8	9	10	11	12	13
					Percentage of Appeals.							
	Year.	Number of appeals instituted.	Number of appeals for disposal	Number disposed of.	Transferred.	Dismissed for default.	Rejected under Section 551, C. P. C.	Confirmed after issue of notice to respondent.	Modified.	Reversed	Remanded under Section 562 Act X of 1877.	Average duration.
Further Appeals ...	1880	494	715	341	1	3	32	30	9	19	6	194
	1881	506	880	404	...	2	42	24	4	20	8	181
Second Appeals ...	1880	1,692	2,162	1,431	1	1	62	15	1	5	15	101
	1881	1,896	2,627	1,385	...	1	68	11	1	4	15	161
Total ...	1880	2,186	2,877	1,772	1	2	56	18	3	7	13	119
	1881	2,402	3,507	1,789	...	2	62	14	2	7	13	166

113. The returns for 1880 showed an increase of 585 cases, or 36 per cent., in the number of civil appeals instituted in the Chief Court, as compared with the preceding year. The present returns show a further increase of almost 10 per cent. Previous to 1880, the largest number of civil appeals filed in any year in the Chief Court was 1,980 in the year 1876.

Increase in institutions.

114. There were, altogether, 630 more appeals for disposal last year than in the preceding year. Owing, however, to the heavier demands made on the Court by other business,—especially criminal business, which, as pointed out in the Criminal Report recently submitted, increased considerably during the year,—the number of appeals disposed of only exceeded the number disposed of in the previous year by 17. The result was that the year, which opened with a pending file of 1,105 civil appeals, closed with 1,718 appeals pending, of which 1,385 had been pending for more than three months and 423 for more than a year. Numerically, the pending file thus represents nearly a year's work of the Court, when at its ordinary strength; but as 1,377 of the pending cases had been admitted to a Bench, it really represents much more. The continued increase in institutions and the growth of the pending file show that the work of the Court is now far in excess of what three Judges could cope with.

Number for disposal and disposed of.

115. To pass on to the columns which show the results of appeals, 76 per cent. of the appeals disposed of were dismissed on the merits, as compared with 74 per cent. in the previous year; but in the earlier year 56

Details of disposal.

per cent. were rejected by a single Judge in Chambers, and 18 per cent. by a Bench of two Judges after the issue of notice to the respondent, whereas last year only 14 per cent. were dismissed by a Bench and 62 per cent. in Chambers.

Average duration.

116. Notwithstanding the larger proportion of work disposed of without summoning the respondent, the average duration of appeals has risen from 119 to 166 days. The last appeal admitted to a Bench in 1881 was set down for hearing on the 9th May 1883. The dates which are now being fixed for appeals admitted to a hearing before a Bench are in February 1884.

Value and cost of appeals in the Chief Court.

117. The subjoined statement gives the usual particulars regarding the value and cost of the civil appeals disposed of by the Chief Court during the year under report, the totals of the previous year being added for comparison :—

Scale of valuation.		Appeals in Suits other than for Land.										Appeals in Land Suits									
		Number of appeals	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Percentage of costs to value.	Number of appeals.	Aggregate value of appeals.	Aggregate cost of appeals.	Average value of appeals.			Average cost of appeals.			Percentage of costs to value.
					Rs.	A.	P.	Rs.	A.	P.					Rs.	A.	P.	Rs.	A.	P.	
Not exceeding Rs.	10	41	310	216	7	9	0	5	4	3	69	85	474	479	5	9	1	5	10	2	101
" " "	50	32	3,411	644	37	1	2	7	0	0	19	345	9,196	2,554	26	10	6	7	6	5	28
" " "	100	62	4,244	770	68	7	2	12	6	8	18	207	15,228	2,603	73	9	1	12	9	2	17
" " "	500	148	29,988	3,247	202	9	11	21	15	0	11	202	33 735	3,923	167	0	0	19	6	9	11
" " "	1,000	38	25,422	2,140	669	0	0	56	5	1	8	43	26,972	2,664	627	4	1	61	15	3	10
" " "	5,000	16	32,248	3,366	2,015	8	0	210	6	0	10	23	49,819	1,909	2,166	0	8	83	0	0	4
" " "	10,000	4	27,991	3,020	6,997	12	0	755	0	0	11	2	12,835	1,284	6,417	8	0	642	0	0	10
" " "	1,00,000	2	80,560	2,172	40,280	0	0	1,086	0	0	3	1	10,560	880	10,560	0	0	880	0	0	8
Exceeding "	1,00,000	...	...	...	...	.	.	...	.	.	...	1	5,68,075	3,025	5,68,075	0	0	3,025	0	0	1
Appeals of which the value cannot be fixed ...		*366	...	2,600	...	..	.	7	1	8	...	* 97	...	48	...		.	0	8	0	...
Total	1881	769	2,04,174	18,175	506	10	2	23	10	2	8	1,006	7,26,894	19,369	799	4	0	19	4	1	3
	1880	832	2,39,472	24,853	490	11	6	29	13	11	9	927	66,675	14,307	77	15	9	15	6	11	21

* Appeals connected with occupancy rights ...	...	97
" " declaratory decrees ...	...	226
" " custody of wives ...	...	20
" " execution of decrees, &c. ...	...	120
Total ...		463

Appeals in suits other than for land assessed or subject to settlement were, it will be observed, fewer in number, related to less valuable interests, and were, both actually and relatively, less expensive in 1881 than in 1880. On the other hand, 56 per cent. of the appeals disposed of in 1881 were connected with land, against 52 per cent. in 1880 and 44 per cent. in 1879, and the appeals were of a higher average value, even if one large case in which the property in litigation was valued at over 5½ lakhs be excluded from the calculation. Again excluding this case, the average cost of each appeal was Rs. 16-4-1, as against Rs. 15-6-11 in the previous year, and the percentage of costs to value was 10, having been 21 in the preceding year.

Other civil business.

118. Other civil business disposed of by the Chief Court during the past two years is exhibited below :—

	1880.	1881.
Original matrimonial cases	2	1
Uncontested applications for probates and letters of administration	11	8
References under Section 17, Act IV of 1869 ...	4	3
References under Section 617 of the Civil Procedure Code	16	17
Cases under Section 622 of the Civil Procedure Code	373	366
Applications for review, for permission to appeal *in formâ pauperis*, for sanction to sale of land in execution of decree, and other miscellaneous applications	322	254
Total ...	728	649

PART V.—GENERAL.

Process-serving establishment.

119. In October last the attention of the Court was invited to the desirability of reviewing in detail in the Annual Report on Civil Justice the working of the process-serving establishment. In accordance with the wish thus expressed, the annexed statement has been prepared, showing the strength of establishment maintained and the number of processes issued for service in each district during the past year, with the financial results of the year. The totals of the previous year have been added for purposes of comparison.

DISTRICT.	Establishment.				Number of processes issued.		Value of Stamps filed for process fees	Expenditure.	REMARKS.
	Názirs.	Náib Názirs.	European Bailiffs.	Peons.	Civil.	Criminal.			
Delhi	1	6	1	69	26,979	1,709	9,119	6,304	
Gurgaon	1	3		22	8,991	416	3,055	2,208	
Karnál	1	4	...	40	16,032	641	4,301	3,575	
Hissar	1	1	...	20	10,513	1,041	2,611	1,762	
Rohtak	1	2	...	24	21,693	810	4,823	2,241	
Sirsa	1	2	...	18	5,887	518	1,780	1,765	
Umballa	1	10	1	115	39 635	1,904	12,830	9,197	
Ludhiána	1	5	..	70	41,316	4,968	11,622	5 287	
Simla	1	1	1	16	10,424	553	2,533	2,124	
Jullundur	1	12	1	113	78,501	3,404	19,708	9,975	
Hoshiárpur	1	13	..	128	88,719	7,398	23 616	11,200	
Kángra	1	4	...	86	38,229	3,569	10,489	6,624	
Amritsar	1	10	1	124	71,664	6,794	18,847	11,076	
Gurdáspur	1	9	1	98	57,838	5,161	19 862	8 484	
Siálkot	1	14	..	102	78,007	6,664	18,987	7,991	
Lahore	1	11	1	148	65,586	5,442	18,898	12,436	Only 123 peons were actually employed during the latter half of the year.
Gujránwála	1	6	.	80	52,389	4,711	12,653	6 658	
Ferozepore	1	6		78	38,010	2,182	9,573	6,192	
Rawalpindi	1	12	2	89	46,993	8,591	13,221	8 870	
Jhelum	1	6		55	27,058	3,009	6 577	4,666	
Gujrat	1	7		54	41 774	3,225	9,192	4,992	
Shahpur	1	4	...	60	29,414	2,932	9,256	4,681	
Mooltan	1	3	1	49	23,608	2,423	6,584	4,485	
Jhang	1	3		42	19,697	423	4,951	3,612	
Montgomery... .	1	2	...	35	21,147	590	5,128	2 855	
Muzaffargarh ..	1	2	...	60	30,840	892	7,763	4,257	
Dera Ismail Khan ...	1	5	...	67	25 487	1,201	6,300	5,196	
Dera Gházi Khan ...	1	4	.	72	27 801	1,946	7,371	5,443	
Bannu	1	4	...	34	16,761	1,430	4.302	3,367	
Peshánar	1	6	1	58	40,489	1,656	6,690	5,640	
Hazára	1	3	...	32	10 781	1,697	2 696	2 952	
Kohat	1	...	...	13	5,860	430	1,589	1,152	
Total ... 1881	33	180	11	2,061	1,118,123	88,325	2 96,427	1,77,267	
Total ... 1880	32	180	11	2,026	1,070,131	73,877	2,85,591	1,75,681	

Before commenting on the figures, the Judges will explain that the working of the various process-serving establishments has not been lost sight of in previous years, though the subject has not been noticed in the annual reports. The district returns have each year been scrutinized and compared, and such orders or remarks as seemed called for have been communicated to the officers concerned.

The general results shown in the statement may, the Judges think, be accepted as satisfactory. During 1880, a staff of 2,026 peons served an average of 569 processes each; in the year under report, 2,061 peons were employed, and the average number of processes served by each rose to 585. Again, in 1880 a profit of Rs. 1,09,910 accrued to the Government; last year the profit was Rs. 1,19,160. The only district which shows an excess of expenditure over income in 1881 is Hazára. It appears that in this district the income fell off considerably during the year, and this diminution of income, which was, of course, the result of a diminution of work, should have been followed by a reduction of establishment. The Commissioner of Pesháwar has been addressed on the subject. The only other districts which, regard being had for local circumstances, appear to have establishments in excess of their present requirements are Delhi and Umballa. This will be brought to the notice of the local authorities, with a view to reductions being effected.

Processes issued by the Chief Court are served by the District Establishments, and most of the processes issued by Commissioners are similarly served, though a few peons are kept up in each Commissioner's Court to serve processes in the neighbourhood. In Commissioners' Courts, Rs. 4,807 were realized from process fees last year, and Rs. 2,184 were expended on establishments. In the Chief Court, Rs. 2,950 were realized and no expenditure was incurred.

Fees paid for inspecting judicial records.

120. Another fund connected with the Judicial Department from which the Government derives benefit is formed from the fees paid by litigants for inspecting judicial records. Rs. 9,948 were realized from these fees last year, of which Rs. 4,621 were expended in maintaining the necessary establishments and Rs. 5,327 were credited to the Record Office Fund.

Procedure.

121. The usual points connected with civil procedure have been touched on in the local reports, many of which show that the working of the Subordinate Courts in such matters was carefully watched during the year. The action of the Subordinate Courts in the issue of commissions and the choice of commissioners, in the matter of adjournments and postponements, and, above all, in attaching property before judgment, requires constant supervision, if laxity and irregularity is to be prevented.

Rules and Circulars.

122. Rules were issued during the year, with the sanction of the Local Government and the Government of India, for the destruction of useless judicial records and registers. Revised rules for Civil Court Deposits were also issued in consultation with the Accountant General. The other circulars issued during the year on the civil side need not be particularized.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RIVAZ,

Registrar, Chief Court, Punjab.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVSISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES IN THE PUNJAB ON THE LAST DAY OF THE YEAR 1881.

1	2	3	4	5	6	7	8	9	10	11	12	13
CLASS OF COURTS.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Number of Officers.		Total Number of Cases Decided.				Remarks.
								Original.		Appeal.		
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.	
Honorary Courts	107,010 square miles.	18,842,264	10	32	125	...	43	11,019	932	...	...	
Paid Sub-divisional Courts { Tahsíl...						...	147	35,991	4,758	...	...	
Paid Sub-divisional Courts { Munsiffs						...	74	150,459	24,092	...	...	
Small Cause Courts						13	...	18,798	2,333	...	...	
District Courts other than Chief Courts of Districts						36	68	42,834	15,686	11,014	490	
Chief Courts of Districts ...						47	8	5,190	14,018	2,059	138	
Total ...						96	340	264,291	61,819	13,073	628	
Divisional Courts						13	...	4	19	4,780	340	
Chief Court						4	...	1	648	1,699	90	
Grand Total ...	...	...	...	...	...	113	340	264,296	62,486	19,552	1,058	

STATEMENT

PART

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF OF THE PUNJAB DUR-

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Suits for Money or Moveable Property.													Rent
	Contract in writing.													
Class of Courts.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Breach of contract not included in the foregoing.	Rent other than of land.	Moveable property or value thereof.	Damages.	To recover arrears of rent from tenants without right of occupancy.	To recover arrears of rent from tenants with right of occupancy	Damages for extortion or with-holding receipts or on account of illegal restraint, or other cause
Honorary Courts ...	153	3,811	2,367	1,937	26	42	105	95	49	909	144	172	38	2
Paid Sub-divisional Courts ... Tahsil ..	450	6,514	4,452	4,477	191	261	318	323	333	3,432	441	2,415	666	46
Paid Sub-divisional Courts ... Munsiffs	2,328	61,310	29,576	27,534	731	1,807	756	1,005	1,153	8,616	426	1,199	373	69
Small Cause Courts ...	154	5,898	3,460	2,906	73	2,708	912	610	965	864	65	...	...	...
District Courts other than Chief Courts of Districts .	1,594	9,914	3,799	5,694	348	353	337	516	469	2,290	276	736	260	27
Chief Courts of Districts ...	344	812	312	769	17	19	29	45	81	216	46	36	36	1
Total ..	5,023	88,259	43,966	43,317	1,386	5,190	2,457	2,594	3,050	16,327	1,398	4,558	1,373	145
Divisional Courts ...	...	...	...	...	...	...	...	..	...	...	...	...	...	...
Chief Court ...	...	...	...	...	...	..	...	...	..	...	.	...	...	...
Grand Total ..	5,023	88,259	43,966	43,317	1,386	5,190	2,457	2,594	3,050	16,327	1,398	4,558	1,373	145

No·

	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43
	Suits for possession on recovery of immoveable property founded on														Other
Class of Courts.	Contract.	Inheritance.	Gift	Right of pre-emption	River action.	Other cause.	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contracts	Suits for declaratory decrees under Chapter VI of the Specific Relief Act	Other suits under the Specific Relief Act not expressly provided for	Suits to declare and establish rights to real property including pre emption	Suits to declare and establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgments contracts or obligations on the ground of fraud.
Honorary Courts .	60	145	3	26	...	329	63	13	35	...	4	3	...	1	18
Paid Sub-divisional Courts ... Tahsil	1,098	1,332	51	566	51	1,769	763	72	42	37	257	53	165	6	38
Paid Sub-divisional Courts ... Munsiffs	990	1,070	12	287	5	1,816	392	20	21	6	186	50	97	6	58
Small Cause Courts .	...	..	...	...	...		...	...	...	..	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	1,841	1,599	147	1,161	65	2,132	785	121	312	84	592	170	103	23	154
Chief Courts of Districts ...	332	223	18	232	9	107	150	42	78	29	103	38	30	2	87
Total ..	4,321	4,369	231	2,272	130	6,153	2,153	268	488	156	1,142	314	395	38	355
Divisional Courts ..	..	...	..	..	...	...	..	..	...	...	.	..	...	...	.
Chief Court ...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total .	4,321	4,369	231	2,272	130	6,153	2,153	268	488	156	1,142	314	395	38	355

No. 2.

I.

CIVIL SUITS INSTITUTED IN THE CIVIL COURTS
ING THE YEAR 1881.

16	17	18	19	20	21	22	23	24	25	26	27	28
SUITS AND SUITS UNDER THE PUNJAB TENANCY ACT.												
For recovery of money or accounts from agents.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 8 on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement.	Suits under Section 18 to set aside an award of division and appraisement of produce taken for rent.	Suits under Clause 1 of Section 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Clause 2 of Section 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	Other suits relating to questions of rent or tenancy.
...	4	9	...	25	...	...	...	...	2	...	1	7
23	205	74	28	130	12	62	12	26	77	132	111	72
2	14	47	...	52	1	6	6	1	57	79	22	56
...	...	...	...	...	...	...	...	...	...	...	...	...
25	191	143	23	376	34	10	43	37	43	232	46	115
2	33	18	7	10	...	1	9	6	4	44	4	11
52	447	291	58	593	47	79	70	70	183	487	184	261
...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...
52	447	291	58	593	47	79	70	70	183	487	184	261

2—*concluded.*

44	45	46	47	48	49	50	51	52	53	54	55	56	57	58
SUITS.														
Suits relating to betrothals, marriage, divorce and dower.														
Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to the revenue.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Act X of 1865.	Any suits not included in the foregoing columns.	Total.	Total number of suits shown in cols. 2 to 7 which were brought by bankers or shopkeepers against agriculturists.
81	8	...	13	1	41	...	1	...	...	...	...	19	10,762	4,865
125	88	5	76	25	2,136	6	...	3	...	...	6	558	34,611	10,859
979	20	10	559	107	862	3	1	...	...	2	...	138	144,923	84,720
...	...	...	1	...	...	...	...	...	...	...	...	...	18,616	1,509
677	1,479	113	176	94	484	15	11	25	1	21	...	291	40,607	10,771
169	324	29	34	31	55	...	3	4	1	59	1	64	5,166	1,367
2,031	1,919	157	859	258	3,578	24	16	32	2	82	7	1,070	254,685	113,591
...	1	3	...	...	...	...	...	...	...	...	...	...	4	...
...	...	1	...	...	...	...	...	...	...	...	...	...	1	...
2,031	1,920	161	859	258	3,578	24	16	32	2	82	7	1,070	254,690	113,591

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1881.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	UNDER THE CODE OF CIVIL PROCEDURE.												OTHER MISCELLANEOUS CASES.									
CLASS OF COURTS.	Plaints rejected or returned without registration.	Applications under Sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit or appeal dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of, attached property under Sections 278 and 487.	Complaints under Sections 328, 332 and 334, except when in case of obstruction by a claimant in good faith, the case is, under Section 331, registered as a suit.	Enquiries under Section 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under Section 344, for a declaration of insolvency.	Commissions under Section 386, for the examination of witnesses received from other Courts and executed by the Court.	Applications under Sections 401 and 592, for permission to sue or appeal as a pauper.	Applications under Section 623 for review of judgment.	Proceedings under Sections 174 and 643.	References from other districts forwarding processes, &c.	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates.	Applications regarding the care of lunatics' estates and the guardianship of persons under Act XXXV of 1858.	Applications for certificates under Act XXVII of 1860.	*Uncontested* applications for probates and letters of administration under Acts X of 1865 and XXI of 1870.	Other cases connected with the custody and disposal of intestate property.	Cases under Act X of 1870.	Cases under Section 14 of the Legal Practitioners' Act, 1879.	Miscellaneous cases not provided for in the foregoing columns.	Total.
Honorary Courts	36	318	273	...	...	...	3	7	114	1	178	930	...	...	...	...	...	...	...	...	14	14
Paid Subdivisional Courts... Tahsil ...	851	1,132	1,046	4	15	...	72	66	219	37	1,076	4,518	4	...	...	...	..	...	...	...	189	193
Paid Subdivisional Courts... Munsiffs ...	1,929	5,790	6,917	46	357	...	251	242	867	148	7,852	24,399	...	...	...	...	...	...	...	1	102	103
Small Cause Courts	89	606	257	2	22	78	57	29	395	3	779	2,317	...	...	...	...	...	...	...	...	7	7
District Courts other than Chief Courts of Districts	2,116	1,427	2,376	7	117	91	144	600	498	31	3,585	10,992	3	...	...	...	1	1	...	...	4,831	4,836
Chief Courts of Districts	664	306	176	...	1	54	102	203	282	6	9,126	10,920	935	333	5	782	28	9	...	...	878	2,964
Total ...	5,685	9,579	11,045	59	512	223	629	1,147	2,375	226	22,596	54,076	942	333	5	782	29	10	...	1	6,015	8,117
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	19	...	...	19
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10	...	...	...	...	10
GRAND TOTAL ...	5,685	9,579	11,045	59	512	223	629	1,147	2,375	226	22,596	54,076	942	333	5	782	39	10	19	1	6,015	8,146

STATEMENT No. 3.

STATEMENT SHOWING THE NUMBER AND VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1881.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of Suits instituted in the different Courts.																				Total value of suits.	
CLASS OF COURTS.	*Not exceeding Rs. 10.*		*Not exceeding Rs. 50*		*Not exceeding Rs. 100*		*Not exceeding Rs. 500*		*Not exceeding Rs. 1,000*		*Not exceeding Rs. 5,000*		*Not exceeding Rs. 10,000*		*Not exceeding Rs. 1,00,000*		*Exceeding Rs. 1,00,000*		*The value of which cannot be estimated in money.*			
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.
Honorary Courts ...	176	2,586	272	5,258	97	1,520	96	700	28	3	...	1	...	...	...	...	...	...	...	25	...	...
Paid Sub-divisional Courts. Tahsil ...	3,614	7,603	3,881	12,653	1,196	3,016	610	1,707	...	...	...	...	...	...	...	...	...	...	203	128	...	...
Paid Sub-divisional Courts. Munsiffs ...	1,492	34,394	1,804	68,675	826	23,900	509	13,060	...	...	...	...	...	...	...	...	...	...	146	117	...	...
Small Cause Courts ...	...	5,674	...	8,597	...	2,225	...	2,120	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	1,858	4,597	2,936	11,015	1,932	5,352	2,120	6,540	256	1,006	66	326	1	13	...	...	...	...	849	1,740	...	...
Chief Courts of Districts ...	121	313	215	788	233	360	382	779	97	608	32	372	4	31	3	35	...	6	196	591	...	...
Total ...	7,261	55,167	9,108	1,06,986	4.284	36,373	3,717	24,906	381	1,617	98	699	5	44	3	35	...	6	1,394	2,601	18,65,987	1,45,60,185
Divisional Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...
Chief Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...
GRAND TOTAL ...	7,261	55,167	9,108	1,06,986	4,284	36,373	3,717	24,906	381	1,617	98	699	5	44	3	35	...	6	1,394	2,606	18,65,987	1,45,60,185

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB IN THE YEAR 1881.

PART I.—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURTS.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Average number of days the parties or either or any of them had to attend Court.	REMARKS.
				Without contest.				On reference to arbitration.		With contest.							
		Transferred.	Without trial.	Compromised.	Decreed on confession.	Decreed *exparte*.	Dismissed *exparte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.		
Honorary Courts	11,747	1	2,350	2,160	2,351	953	60	132	38	2,264	710	728	9	28	20	2	
Paid Sub-divisional Courts — Tahsil ...	37,846	23	7,115	6,792	6,305	2,366	128	611	111	8,840	3,700	1,855	23	28	18	3	
Paid Sub-divisional Courts — Munsiffs ...	159,668	24	29,137	34,657	30,499	13,453	551	1,277	271	30,076	10,514	9,209	33	22	16	2	
Small Cause Courts	20,128	...	3,068	3,627	3,317	3,030	81	125	36	4,195	1,319	1,330	82	23	19	2	
District Courts other than Chief Courts of Districts ...	46,641	58	9,242	6,167	5,593	3,060	178	773	172	11,522	6,069	3,807	409	41	28	3	
Chief Courts of Districts	5,928	1	893	680	605	277	20	144	27	1,585	958	738	117	61	39	4	
Total ...	281,958	107	51,805	54,083	48,670	23,139	1,018	3,062	655	58,482	23,270	17,667	673	29	21	3	
Divisional Courts	4	...	...	...	...	2	..	...	...	2	...	...	...	67	21	3	
Chief Court	1	...	...	...	...	1	..	...	...	...	.	...	...	...	42	...	
GRAND TOTAL ..	281,963	107	51,805	54,083	48,670	23,142	1,018	3,062	655	58,484	23,270	17,667	673	30	21	3	

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1881.

PART II.—MISCELLANEOUS CASES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURTS.	Total number of cases before the Courts.	NUMBER OF CASES DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		Average number of days, the parties or either or any of them had to attend Court.	REMARKS.
		Transferred.	Without trial.	*Without contest.*				*On reference to arbitration*		*With contest.*							
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.		
Honorary Courts	984	15	202	37	11	6	...	...	...	499	162	52	1	24	19	2	
Paid Sub-divisional Courts. Tahsíl ...	4,931	217	1,645	202	124	49	46	15	1	1,921	538	173	...	14	10	2	
Paid Sub-divisional Courts. Munsiffs...	25,239	1,531	6,206	777	736	404	189	10	...	10,755	3,484	1,147	23	16	13	2	
Small Cause Courts	2,363	175	775	78	104	46	1	2	1	817	334	30	3	34	19	4	
District Courts other than Chief Courts of Districts	16,099	2,246	3,848	292	240	171	44	13	2	7,385	1,445	413	16	17	12	2	
Chief Courts of Districts	14,372	1,645	3,036	113	40	1,624	235	4	...	6,018	1,303	354	15	45	28	4	
TOTAL ...	63,988	5,829	15,712	1,499	1,255	2,300	515	44	4	27,395	7,266	2,169	58	15	14	2	

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1881.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					HEARD EX-PARTE.				CONTESTED.								
CLASS OF COURTS.	Total number of appeals before the Court.	Transferred.	Summarily rejected.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Of these pending more than three months.	Average duration of appeals.	Objections under Section 561, Act X of 1877.	Objections allowed.
Appellate Courts other than Chief Courts of Districts.	12,172	...	1,763	625	127	13	47	76	4,402	745	1,857	1,359	1,158	119	39	21	8
Chief Appellate Courts of Districts ...	2,211	...	302	136	161	4	14	31	702	151	351	207	152	16	36	...	...
Total ...	14,383	...	2,065	761	288	17	61	107	5,104	896	2,208	1,566	1,310	135	38	21	8
Divisional Courts. Appeals from original decrees.	4,417	2	396	133	58	7	4	2	1,754	238	703	309	811	272	70	17	5
Divisional Courts. Appeals from appellate decrees.	1,431	1	185	48	28	...	2	...	539	55	249	67	257				
Chief Court. Appeals from original decrees.	819	...	149	6	...	...	...	...	88	16	77	27	456	402	182	...	...
Chief Court. Appeals from appellate decrees.	2,544	...	923	18	...	...	...	...	141	16	44	194	1,208	978	161	...	...
GRAND TOTAL ...	23,594	3	3,718	966	374	24	67	109	7,626	1,221	3,281	2,163	4,042	1,787	51	38	13

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1881.

PART II.—MISCELLANEOUS APPEALS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					HEARD EX-PARTE.				CONTESTED.								
CLASS OF COURTS.	Total number of appeals before the Court.	Transferred.	Summarily rejected.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Of these pending more than three months.	Average duration of appeals.	Objections under Section 561, Act X of 1877.	Objections allowed.
Appellate Courts other than Chief Courts of Districts	538	...	93	26	20	...	13	16	142	6	87	87	48	2	29	...	...
Chief Appellate Courts of Districts ...	141	...	36	7	19	...	3	2	35	1	27	8	3	...	24	...	...
Total ...	679	...	129	33	39	...	16	18	177	7	114	95	51	2	27	...	...
Divisional Courts. Appeals from original orders ...	339	...	77	20	16	...	4	...	104	3	57	19	39	5	47	1	...
Divisional Courts. Appeals from appellate orders ...	45	...	11	1	1	...	...	..	20	...	5	2	5				
Chief Court. Appeals from original orders ...	61	...	20	...	...	...	...	...	9	1	5	6	20	2	171	...	...
Chief Court. Appeals from appellate orders ...	83	...	23	...	...	...	...	...	13	1	5	7	34	3	167	...	...
GRAND TOTAL ...	1,207	...	260	54	56	..	20	18	323	12	186	129	149	12	36	1	...

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1881.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
CLASS OF COURTS.	Total number of applications to execute decrees for disposal.	APPLICATIONS DISPOSED OF.						Pending at the close of the year.	Pending more than three months at the close of the year.	AMOUNT REALIZED.		NUMBER OF APPLICATIONS.											
		By transfer under Section 223.	*Satisfaction obtained in full.*		*Satisfaction obtained in part.*		Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested but released without imprisonment.	*On which moveable property*		*On which immoveable property*			*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
			Through the Court.	Under Section 258.	Through the Court.	Under Section 258.								Was sold.	Was attached but subsequently released.	Was sold.	Was dealt with under Sections 305 or 326, Act X of 1877.	Was attached but subsequently released under Sections 275.	Of moveables.	Of immoveables.			
										Rs.	Rs.												
Honorary Courts	4,871	...	1,978	37	913	8	1,447	488	80	73,163	5,202	10	105	340	1,442	78	5	258	7	188	1	1	1
Paid Sub-divisional Courts ... Tahsil ...	19,888	44	7,407	433	3,983	114	6,107	1,800	185	237,823	42,137	65	641	1,574	6,488	121	42	582	25	1,413	1	5	7
Paid Sub-divisional Courts ... Munsiffs ...	105,000	317	28,067	1,196	25,565	852	36,584	12,419	1,788	1,238,644	141,979	447	3,501	7,382	33,165	1,103	345	4,251	300	1,549	48	20	...
Small Cause Courts	11,520	166	2,952	283	3,258	564	3,590	707	139	83,540	53,605	99	884	552	2,841	...	...	...	25	...	64	...	...
District Courts other than Chief Courts of Districts	32,775	104	9,473	522	6,437	343	10,946	4,950	975	1,013,314	179,988	271	915	2,398	6,500	689	149	1,377	199	2,173	141	45	73
Chief Courts of Districts	2,787	7	867	46	534	22	855	456	117	308,301	57,250	56	96	123	662	75	14	122	9	222	10	7	...
TOTAL ...	176,841	638	50,744	2,517	40,690	1,903	59,529	20,820	3,284	29,54,785	4,80,161	948	6,142	12,369	51,098	2,066	555	6,590	565	5,545	265	78	81

STATEMENT No. 7.

STATEMENT SHOWING THE NUMBER AND RESULT OF APPLICATIONS AND PROCEEDINGS UNDER CHAPTER XX, ACT X OF 1877, IN THE PUNJAB IN THE YEAR 1881.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.										AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		REMARKS.
	Total number for hearing.	Transferred, withdrawn, &c.	*Granted.*		*Rejected.*			Pending at the close of the year.	Number of insolvents discharged during the year under Sec. 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under Sec. 359 not being taken.	Sentence of imprisonment being passed under Sec. 359.	Applicant being sent to the Magistrate to be dealt with.								
Courts other than Chief Courts of Districts	212	74	25	23	47	3	...	40	20	19	86,248	18,704	30,404	19,693	
Chief Courts of Districts	68	22	6	16	9	3	...	12	5	4	95,661	6,883	22,896	6,091	
TOTAL ...	280	96	31	39	56	6	...	52	25	23	181,909	25,587	53,300	25,784	

STATEMENT No. 8.

STATEMENT SHOWING USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1881.

1	2	3	4	5	6
CLASS OF COURTS.	Established or average number of assessors in each case.	Number of cases tried with assessors.	ASSESSORS' TRIALS.		
			Number of cases in which Judge agreed with assessors.	*Number of cases in which Judge differed from*	
				One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	19	2	10	7

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department, No. 694, dated 31st July 1882.

READ—

Annual Report on the Administration of Civil Justice for the year 1881.

REMARKS.—The number of civil suits instituted during the year fell from 256,015 to 254,690 (a decrease of 0·5 per cent. as compared with the year preceding), but was still higher than has been known in any year except 1880. This decrease is chiefly due to fewer institutions in ordinary District Courts, and extends to 18 districts; the Lieutenant-Governor notices with satisfaction a considerable falling off in litigation in Gujrat, attributed to plentiful harvests; on the other hand, there is a remarkable increase in suits brought in Kohat where litigation has doubled within the past two years. The Deputy Commissioner should direct special attention to this matter and ascertain, if possible, the causes which have led to this result.

With 254,690 cases newly instituted there were in all 281,963 for disposal, of which 264,296, or 93·7, were decided,—a proportion about the same as obtained in 1880. The ratio of contested suits, which was 32 per cent. for the Province at large, remains highest in certain of the Frontier districts, where also reference to arbitration is most frequent, a fact which may be due to local custom and the tendency to an appeal to the *shariat*, a demand which a suitor can rarely decline. The proportion of suits dismissed in default rose from 17 to 18 per cent., being remarkably high in Mooltan, Karnal, Hoshiarpur and Gujranwala. The increase in suits thus disposed of in Amritsar may be attributed to the terrible sickness which for some months raged in that city.

2. The attention of His Honor is specially drawn to the large number of commissions for local investigations issued to revenue officials under Section 392 of the Code in Jhelum, Umballa and Ludhiana; he considers it a matter of great importance that the employment of subordinate revenue officials in commissions of this nature should be carefully supervised, and will be glad to receive a report on the result of the enquiry which has been instituted by the Judges.

There has been a remarkable decrease in cases under the Punjab Tenancy Act, suits connected with occupancy rights being less by 222 than in 1880, while suits for enhancement or abatement of rent show an equal decrease. The Lieutenant-Governor accepts this as evidence that the Tenancy Act is on the whole working satisfactorily. A full report regarding the working of the Punjab Tenancy Act has recently been submitted to the Government of India.

3. The continued increase in suits relating to betrothals, marriage, divorce and donor is noteworthy; they have again risen highly in the Rawalpindi Division, which alone furnishes nearly one-third of the total for the whole Province, while there is a marked increase in Jullundur, Rohtak and Sialkot. It appears to His Honor a matter for regret that some remedy simpler and more satisfactory than a civil action cannot be devised for the settlement of these social and family disputes.

4. Suits by bankers or shopkeepers against agriculturists have risen in number, and though their proportion is less than in the three years preceding 1880, they still amount to 44 per cent. of the total litigation of the Province. The true remedy for this state of things appears to His Honor to lie in the establishment of agricultural banks and the simplification of the procedure for the grant of advances by Government to agriculturists, whether by allowing greater discretion to tahsildars to grant advances or by merging interest and principal in recovering instalments, or by deferring the first payments of interest. Any measure which would lessen this enormous litigation against the agricultural classes would be attended by the double benefit of promoting the prosperity of the agricultural community and of reducing the expensive judicial agency with which the country threatens to become more and more heavily burdened.

5. The Lieutenant-Governor observes with regret that the cost of litigation to the parties has during the past few years steadily increased. The number of suits instituted for money or moveables or for other rights not connected with land was 225,833. Of these 99 per cent. did not exceed Rs. 500 in value, and 87 per cent. were not above Rs. 100. The cost of litigation in land suits not exceeding Rs. 10 amounted to 31 per cent of the value, and to 19 per cent. in other suits of the same money limit. Considering the petty character of the bulk of the litigation, it appears to His Honor that increasing facilities for the employment of counsel are not an unmixed advantage when attended by such heavy costs in obtaining a judicial decision in the courts of first instance, exclusive of the further cost in execution of decrees or of heavy costs in appeal.

6. More than half of the original civil work in the Province is disposed of by munsiffs, and the amount which falls to tahsildars continues to be carefully watched by the Judges. The instructions they have issued for the guidance of Deputy Commissioners in the distribution of civil cases among subordinate courts which are in accord with the principles laid down in 1875, when the judicial agency of the Province was under revision, have the concurrence of His Honor the Lieutenant-Governor.

7. Applications for execution of decrees in District Courts rose from 173,152 to 176,841, of which 88 per cent. were disposed of. Of this proportion 34 per cent. were completely, and 27 per cent. partially, executed, while in 59,529 cases, representing 33½ per cent. of the whole, nothing was realized. As observed in previous years, the proportion of realization is highest in some of the Frontier districts, in spite of the greater facilities for avoiding process of law which are presented to debtors by the neighbourhood of independent territory. The Kohat, Gujrat, Peshawar and Bannu districts show the best results for 1881. But the fact that in more than one-third of the cases for disposal execution was fruitless and realized nothing, appears to the Lieutenant-Governor to suggest the conclusion that the provisions of Act IV of 1872, in regard to insolvency, are either not sufficiently known and made use of, or that there is room for improvement in the existing law of bankruptcy. Out of 7,090 persons arrested in execution of decrees 948 were committed to prison for an average term of 33 days, and for debts aggregating Rs. 1,22,302. The views of the Lieutenant-Governor regarding imprisonment for debt have recently been communicated to the Government of India.

8. The number of cases instituted and the business disposed of in district and cantonment Small Cause Courts show a slight increase over the previous year 1880; in the former, 92 per cent. of the cases for disposal were decided, the majority being uncontested. The average duration increased in Amritsar and Delhi, and in Cantonment Courts it rose from 15 to 23 days, chiefly in consequence of delays in the Court at Sialkot. The Lieutenant-Governor observes that these Courts disposed of only 7·3 per cent. of the original civil litigation of the Province, and bearing in mind that suits for money and moveables form 84 per cent. of the total, and that 87 per cent. of such were under Rs. 100 in value, he is of opinion that an increase in Courts of this description and the extension of their jurisdiction would be advantageous both in reducing the cost of litigation and in lessening the amount of appellate business which has increased in Divisional Courts by 39 per cent. in the past three years. A separate communication will be made on this subject.

9. Appeals in District Courts rose from 11,995 to 12,647, nearly 5 per cent. of the original suits instituted, but the proportion of cases disposed of increased to 95 per cent.; the percentage of unsuccessful appeals and the proportion of orders modified or reversed, and of cases remanded for further enquiry remain nearly the same as in the preceding year. In Divisional Courts there was also a considerable increase in appellate work, and though the disposals kept pace with the growth of business, the duration of cases rose from 58 and 56 to 65 and 81 days, respectively, in Courts of Commissioners and Additional Commissioners.

The Chief Court was temporarily strengthened by the addition of a Fourth Judge in October, the work has continued to increase, and there were 3,507 civil appeals for disposal, as against 2,877 in 1880. The number of cases disposed of rose only from 1,772 to 1,789, and at the close of the year there were 1,718 appeals pending, of which 423 had been on the file for more than 12 months; concurrently with this the average duration rose from 119 to 166 days, and the pending file is so heavy, that cases now admitted to a bench are fixed for hearing for dates in February 1884 A separate communication has already been addressed to the Court, with a view to the adoption of measures to clear off these arrears.

The Lieutenant-Governor observes also the very high proportion of costs in appeal to the value of the right contested.

In suits connected with land and not above Rs. 10 in value, the costs in Original Courts, as already observed, amount to 31 per cent. of the value; in Divisional Appellate Courts the costs are 75 per cent., and in the Chief Court 101 per cent.; so that in suits of this class appealed to the Chief Court, for a decision in which the parties may have to wait two years, the aggregate costs amount to more than twice the value of the property in litigation. In other suits of the same money limit costs in Original and Divisional Appellate Courts are 19 and 60 per cent., respectively, of the value of the action; in a petty suit appealed thus far, it would accordingly appear that 21 per cent. only of the rateable value remains, the rest being swallowed up in costs.

Similarly, in suits not connected with rights in land and under Rs. 500 in value, which, as above remarked, form 99 per cent. of the total litigation, the ratio of costs to value is 10·8 in Original Courts, 11·4 in Divisional Appellate, and 12·8 in the Chief Court; in land suits of the same money limit the costs are still higher. In 3,491 such cases appeals were instituted in Divisional Courts, the costs amounting to 24·8 or 22 2 of the value according as the suit was for rights connected with land or otherwise.

One thousand one hundred and eighty-two suits not exceeding Rs. 500 were appealed up to the Chief Court, the costs throughout amounting to 41·1 or 35 per cent. of the value according to the nature of the action. The great growth of petty appellate work and the high proportion of costs of litigation to the value of the matter in dispute lead His Honor to the conclusion that it is of the utmost importance to revise the law of appeal so as to reduce, if possible, the amount of petty business which comes before the highest Appellate Courts, and the Local Government is in communication with the Judges on this subject.

In conclusion, Sir Charles Aitchison desires to express his sense of the watchful control exercised by the Judges over the working and procedure of the Subordinate Courts, and of the gradual improvement due to their careful supervision.

ORDER.—Ordered that, a copy of the above Review be furnished to the Registrar of the Chief Court for the information of the Judges, and for circulation with the Report.

Also, that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor of the Punjab,

W. M. YOUNG,

Secretary to Government, Punjab.

Printed at the Punjab Government Civil Secretariat Press, Lahore.—3-8-82.—328.